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NEW DELHI, SATURDAY, JANUARY 29, 1972/MAGHA 9, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिसमें कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर)
केन्द्रीय प्राप्तिकरणों द्वारा आरो किये गये विशिक्षण श्रीर अधिसूचनायें।

Statutory order and notification issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories)

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 3rd December 1971

S.O. 355.—Whereas² the Election Commission is satisfied that Shri S. R. Chandran, T.C. 32/59, Chennithatta, Trivandrum, a contesting candidate for General Elections to the House of the People held in 1971 from 19-Trivandrum constituency in the State of Kerala has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951 and the Rules made thereunder;

2. And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri S. R. Chandran, to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-HP/19/71.]

By Order.

A. N. SEN, Secy.

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 3 दिसम्बर, 1971

एस० ओ० 355.—यह: निर्वाचन आयोग का समाधान हो गया है कि 1971 में हुए लोक भवा के लिए साधारण निर्वाचन के लिए 19-तिलवनन्तपुरम निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एस० आर० चन्द्रन टी०सी० 32/59, चेनथिट्टा तिलवनन्तपुरम लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित विधि से अपने निर्वाचन व्ययों का औरा दाखिल करते में असफल रहे हैं।

और अतः उक्त उम्मीदवार ने भव्यक सूचना दिए जाने पर भी अपनी असफलता के लिए कोई कारण व्यवहार स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः अब उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एस० आर० चन्द्रन को संसद के किसी भी मदन के या किसी गज्य की विधान सभा व्यवहार विधान परिषद् के सदस्य चुने जाने और होने के लिए

इस ग्राम की तारीख से तीन वर्ष की कालाबधि के लिए निरहित घोषित करता है।

[सं० केरल-ल०० स०/ 19/71]

ग्राम से
ए० एन० सैन, सचिव।

ORDERS

New Delhi, the 8th December 1971

S.O. 356.—Whereas the Election Commission is satisfied that Shri Chigare Anapa Halapa, At and Post Shirdhon, Taluka Shiroli, District Kolhapur (Maharashtra), a contesting candidate for election to the House of the People from 44-Hatkanangale constituency held in 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And, whereas, the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, In pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chigare Anapa Halapa to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. MT-HP/44/71.]

ग्राम से

नई दिल्ली, 8 दिसम्बर, 1971

एस० ओ० 356.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1971 में हुये लोक सभा के निर्वाचन के लिये 44-शातकणागले निर्वाचन क्षेत्र से जनाव लड्डने वाले उम्मीदवार श्री चिगरे आणापा हलापा, म० ज०० शिरोणा, भर्षोल गिरोल, जिला कोल्कापूर (महाराष्ट्र), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विन बनाये गये नियमों द्वारा घोषित अपने निर्वाचन व्यवों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिये जाने पर भी, अपनी असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित नहीं है;

यतः, अब उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एनद्डारा उक्त श्री चिगरे आणापा हलापा को संसद के किसी भी सदन वे या किसी राज्य की विधान सभा अथवा विधान परिषद के मद्द्य बने जाने आगे होने के लिये, इस ग्राम की तारीख में तीन वर्ष की कालाबधि के लिये निरहित घोषित करता है।

[सं० महा०-ल०० स०/ 44/71]

New Delhi, the 10th December 1971
S.O. 357.—Whereas the Election Commission is satisfied that Shri China Kondaiah Irukumati, 8/37, Upstairs, Ranganayakulapet, Nellore, a contesting candidate for general election to the House of the People from 18-Kavall parliamentary constituency, held in 1971, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri China Kondaiah Irukumati to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/18/71.]

नई दिल्ली, 10 दिसम्बर, 1971

एस० ओ० 357 —यतः, निर्वाचन आयोग का समाधान हो गया है कि लोक सभा वे 1971 में हुये निर्वाचन के लिये 18-कवाली भस्त्रीय निर्वाचन क्षेत्र से निर्वाचन लड्डने द्वारा उम्मीदवार श्री चिंगारा चिंगारा ईम्मुक्ति, 8/37, शपटेयर्म, रंगनाथकुल पैट, नेलोर, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विन बनाये गये नियमों द्वारा घोषित अपने निर्वाचन व्यवों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण अथवा न्यायोचित नहीं है;

यतः, अब उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एनद्डारा उक्त श्री दिता को लड्डने ईम्मुक्ति को भाग्य के दोनों सदनों में तो किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के नदस्य बुरे जे ने भर द्वारा के लिए, दूसरे दो कार्यकारी तारीख से तीन वर्ष की कालाबधि के लिए निरहित घोषित करता है।

[सं० ओ० प्र०-ल०० स०/ 18/71]

ग्राम से,

के० एम० राजगोपालन, सचिव।

ERRATUM

New Delhi, the 18th December 1971
S.O. 358.—In the Commission's Notification No. 56/71-XXIII, dated the 17th November, 1971 published at S.O. 5177 in an Extraordinary issue of the Gazette of India No. 564, dated the 17th November, 1971: at page 3121,

(1) in the first line of the first paragraph for the words 'allotment' read 'alloitment' and

(2) in the last line, in paragraph four, for the words and figures 'rule 8' read 'rule 5'.

[No. 56/71.]

By Order,

K. S. RAJAGOPALAN, Secy.

MINISTRY OF FINANCE

(Department of Banking)

New Delhi, the 5th October 1971

S.O. 359.—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government nominates Shri D. K. Sen, Under Secretary, Ministry of Finance, Department of Banking, in consultation with the State Bank of India, to be a Director of the State Bank of Indore.

[No. 2(14)PSB-SB/71-I]

वित्त मंत्रालय

(बैंकिंग विभाग)

नई दिल्ली, 5 अक्टूबर, 1971

एस० ओ० 359.—भारतीय स्टेट बैंक (सहायक बैंक) अधिनियम, 1959 (1959 का 38वाँ) की धारा 25 की उल्लंघन (1) के खण्ड (ऱ) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय स्टेट बैंक के परामर्श से फृत्त मंत्रालय, बैंकिंग विभाग के अध्यक्ष श्री डॉ. ए. ए. सो० को हड्डीर गजर बैंक का निदेशक नामित करता है।

[प० 2(14) पी०ए०स०ब्री०-ए०बी०/71-I]

S.O. 360.—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government nominates Shri K. Yesuratnam, Under Secretary, Ministry of Finance, Department of Banking, in consultation with the State Bank of India, to be a Director of the State Bank of Mysore.

[No. 2(14)PSB-SB/71-II.]

D. N. GHOSH, Director.

एस० ओ० 360.—भारतीय स्टेट बैंक (सहायक बैंक) अधिनियम, 1959 (1959 का 38वाँ) की धारा 25 की उल्लंघन (1) के खण्ड (ऱ) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय स्टेट बैंक के परामर्श से वित्त मंत्रालय, बैंकिंग विभाग के अध्यक्ष श्री के० यैसुरत्नम को मैसूर राज्य बैंक का निदेशक नामित करता है।

[प० 2(14) पी०ए०स०ब्री०-ए०बी०/71-II]

डी० एन० बो०, नियंत्रक।

(Department of Banking)

New Delhi, the 15th December 1971

S.O. 361.—In exercise of the powers conferred by paragraph 6(vii) of the scheme of amalgamation of the Satara Swadeshi Commercial Bank Ltd. with the United

Western Bank Ltd. (sanctioned by the Central Government under section 45(7) of the Banking Regulation Act, 1949 (10 of 1949) and by its notification No. F. 4 (110)-BC/61 dated the 1st September, 1961) the Central Government, after consultation with the Reserve Bank of India, hereby specifies a period of two months from the date of this order, as the period for the purposes of paragraph 6(vii) of the said scheme of amalgamation.

[No. F. 17(12)-BC/71.]

(बैंकिंग विभाग)

नई दिल्ली, 15 दिसम्बर 1971

एस० ओ० 361.—प्रतारा बैंकों की रूमर्गितता बैंक लिमिटेड के यूनाइटेड बैंक नियिटेड में रियां को योजना (बैंकिंग विभाग में अधिनियम, 1949 (1949 का 10वाँ) की धारा 45(7) के द्वारा स्वोहत) के पैरा 6(vii) के अन्तर्गत और केन्द्रीय सरकार को 1 निवार, 1961 की अविसूचना संख्या एक० 4(110)-बी०सी०/61 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के बाद, एतद्वारा विलय की उक्त योजना के पैराग्राफ 6(vii) के प्रयोजन के लिये दो महीने की अवधि इस अदिश की तारीख से विहित करती है।

[प० 2(14) पी०ए०स०ब्री०-ए०बी०/71]

S.O. 362.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply, till the 6th October, 1972 to the Punjab and Sind Bank Ltd., New Delhi in respect of the two properties viz., premises No. 4 consisting of residential quarters and shops at Dispensary Road and double-storeyed building No. 33/32, Moti Bazar, both held by it at Dehradun.

[No. F. 15(28)-BC/71.]

K. YESURATNAM, Under Secy.

एस० ओ० 362.—बैंकिंग विभाग में अधिनियम, 1949 (1949 का दसवाँ), की धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिकारिश पर एतद्वारा यह घोषित करता है कि उक्त अधिनियम की धारा 9 के उल्लंघन, पंजाब और सिधू बैंक लियिटेड, नवी दिल्ली द्वारा देहरादून में व्यापारित दो नियंत्रियों प्रथमें डिस्ट्रेंसरी रोड पर स्थित भानून निवार 4 रिहायशी बागड़ी और हुकानों सहित और मोती बाजार की निवार 33/32 को दो नियंत्रियों द्वारा इमारत के सम्बन्ध में, उक्त बैंक पर 6 अक्टूबर, 1972 तक लागू नहीं होंगे।

[प० 2(14) पी०ए०स०ब्री०-ए०बी०/71]

के० यैसुरत्नम, अवर सचिव।

CENTRAL EXCISE COLLECTORATE NAGPUR

CENTRAL EXCISE

Nagpur, the 11th November 1971

S.O. 363.—In exercise of the powers conferred upon me under Section No. 2(a) of the Produce Cess Act, 1968

(No. 15 of 1960), read with the Government of India, Ministry of Food, Agriculture, C. D. and Co-operation (Department of Agriculture), New Delhi's Notification No. G.S.R. 884, dated 26th March, 1969, I, Shri Vipin Maneklal, Collector of Central Excise, M. P. & Vidarbha, Nagpur, hereby make the following amendment in thus Collectorate Notification No. 1/71-C. Ex., dated 11th February, 1971, issued under this office C. No. IV(16)8-5/71 (Produce Cess)/16184 to 16329, dated 18th/17th February, 1971, namely:—

In the table, given in the said Notification, serial No. 6 and entries relating thereto shall be deleted and the S. No. I shall be renumbered as S. No. 6.

[No. 5/71.]

VIPIN MANEKLAL, Collector.

केन्द्रीय उत्पाद युक्त समाहर्ता भौत, नागपुर

(केन्द्रीय उत्पाद युक्त)

नागपुर, 11 नवम्बर, 1971

एस.ओ. 363.—भारत सरकार, खाद्य, कृषि, सामुदायिक विकास तथा महकारिता मंत्रालय (कृषि विभाग) नई दिल्ली की अधिसूचना संख्या जी०एस०आर० 884 दिनांक 26-3-69 के साथ पठित उत्पादन उपकर अधिनियम, 1966 (1966 का 15वां) को धारा 2(क) द्वारा प्रस्तु शक्तियों का प्रयोग करने हुये में श्री विपिन मानेकलाल, समाहर्ता, केन्द्रीय उत्पाद युक्त, मध्य प्रदेश एवं विदर्भ, नागपुर, इस कार्यालय के प्र०क्र० IV(16)8-5/71 (उत्पादन उपकर) /16168-16329 दिनांक 16/17-12-71 द्वारा जारी की गई इस समाहर्ता भौत की अधिसूचना संख्या 1/71 के० उ०श० दिनांक 11-2-71 में निम्नलिखित संशोधन करता हूँ, यथा “उक्त अधिसूचना में दी हुई सारणी में क्रमांक 6 तथा उससे सम्बद्ध प्रतिष्ठित विलूप्त की जाएँ और क्रमांक 7 को पुनः संख्यांकित कर अमाव. 6 किया जाएँ।

[मख्या 5/71.]

विपिन मानेकलाल, समाहर्ता

MINISTRY OF WORKS AND HOUSING

(Directorate of Estates)

New Delhi, the 17th November 1971

S.O. 364.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following rules further to amend the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, contained in Part VIII, Division XXVI-B of the Supplementary Rules issued with the Government of India, Finance Department letter No. 104-CSR dated the 4th February, 1922, namely:—

1. (1) These rules may be called the Allotment of Government Residences (General Pool in Delhi) Third Amendment Rules, 1971.

(2) They shall come into force on the 1st December, 1971.

2. In the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, contained in Part VIII, Division XXVI-B of the Supplementary Rules, in

rule S.R. 317-B-4, after sub-rule (4) the following sub-rule shall be inserted, namely:—

“(5) Notwithstanding anything contained in sub-rules (1) to (4),—

(a) If a wife or husband, as the case may be, who is an allottee of a residence under these rules, is subsequently allotted a residential accommodation at the same station from a pool to which these rules do not apply, she or he, as the case may be, shall surrender any one of the residences within one month of such allotment.

Provided that this clause shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by any court;

(b) where two officers, in occupation of separate residences at the same station, one allotted under these rules and another from a pool to which these rules do not apply, marry each other, any one of them shall surrender any one of the residences within one month of such marriage;

(c) if a residence is not surrendered as required under clause (a) or clause (b) the allotment of the residence in the general pool shall be deemed to have been cancelled on the expiry of such period.”

[No. F. 18011(1)/71-Pol.I.]

निर्माण तथा आवास मंत्रालय

(सम्पदा निदेश लय)

नई दिल्ली, 17 नवम्बर 1971

का० ओ० 364.—राष्ट्रपति मूल नियम के नियम 45 के उपबन्धों के अनुसार में, भारत सरकार के विभाग के पक्ष में० 104-सिंप०आर० तारीख 4 फरवरी, 1922 के साथ जारी पि० गं. अनुपुरक नियम के भाग 8, प्रभाग 25-ब में अन्तिष्ठि० सरकारी निवास-स्थानों का आवंटन (दिल्ली में साधारण पूल) नियम, 1963 में श्रावर संशोधन करते के निए एतद्वारा निम्न-लिखित नियम बनाते हैं, अर्थात् :—

1. इन नियमों का नाम सरकारी निवास-स्थान का आवंटन (दिल्ली में साधारण पूल) त्रूतीय संशोधन नियम, 1971 होगा।

2. ये नियम 1 दिसम्बर, 1971 को प्रवृत्त होंगे।

2. अनुपुरक नियम के भाग 8 ; प्रभाग 26 भाग में अन्तिष्ठि० सरकारी निवास-स्थानों का आवंटन (दिल्ली में साधारण पूल) नियम, 1963 में नियम अनु०नि० 317-ख-4 में, उपनियम (4) के पश्चात्, निम्नलिखित उपनियम अनुन्यापित किया जाएगा, अर्थात् :—

“(5) उपनियम (1) से (4) में किसी बात के होते हुए भी,—

(क) यदि कोई पत्नी या पति, यथास्थिति, जो इन नियमों के अधीन किसी निवास-स्थान की/का आवंटित है को तपश्चात् उसी स्थान पर ऐसे दूसरे के निवास-मुविधा-सम्बन्धी आवास आवंटित हो जाता है, जिस को दे नियम लागू नहीं होते, तो वह, यथास्थिति,

ऐसे आवंटा से एक साम के भोतर निवास-स्थानों में से किसी एक का अध्यर्पण करेगी/करेगा :

परन्तु यह खड़ गहा नागृ नहीं होगा जहा परि श्रीर पन्नी किसी स्थायासय द्वारा किये गए, न्यायिक पृथक्करण के ग्रांडेंग के अनुसरण में अलग-प्रलग निवास कर रहे हों ;

- (ख) जहां दो ग्रांडेंग, जो एक ही स्थान पर अलग-अलग दो निवास स्थानों का अधिकोग कर रहे हों, एक इन निवासों का अधीन आवंटित हो और दूसरा ऐसे पूल से जिसको ये नियम लागू नहीं होते, एक दूसरे से विवाह कर लेते हैं तो उनमें से किसी एक का दोष विवाह से एह मान के भोतर उन निवास-स्थानों में से किसी एक का अध्यर्पण करना होगा,
- (ग) यदि कार्ड निवास-स्थान, जैसा कि खण्ड (क) या खण्ड (ख) के अधीन अपेक्षित है, अर्थात् नहीं किया जाता है, तो साधारण पूल के निवास-स्थान का आवंटन ऐसा अवधि को समर्पित पर रद्द हुआ समझा जाएगा।"

[न० फा० 18011(1)/71-नाति-1]

S.O. 365.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following rules further to amend the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, contained in Part VIII Division XXVI-B of the Supplementary Rules issued with the Government of India Finance, Department letter No. 104-CSR dated the 4th February, 1922, namely:—

1. These rules may be called the Allotment of Government Residences (General Pool in Delhi) Fourth Amendment Rules, 1971.
2. These rules shall come into force on the 1st December, 1971.
3. In the Allotment of Government residences (General Pool in Delhi) Rules, 1963 contained in Part VIII Division XXVI-B of the Supplementary Rules, the words "withdraws his guarantee or" in Sub-Rule 3 of Rule S.R. 317-B-13 shall be omitted.

[No. F. 18017(1)/68-Pol.I.]

R. B. SAXENA,
Dy. Director of Estates (Policy).

का० फा० 365.—ग्रांट-पति, मूल नियम के नियम 45 के उपबन्धों के अनुसरण में, भारत सरकार के वित्त विभाग के पत्र सं० 104 मिं००१० नारोब्र १ फावरो, 1922 के मात्र जारी किये गए; अनुरूप नियम के भाग 8, प्रभाग 26-ब्र में अन्तर्विट, सरकारी निवास-गाँवों का आवंटन (दिल्ली में साधारण पूल) नियम, 1963 में और संशोधन करने के लिए एन्ड्रेग निम्नलिखित नियम बनाते हैं, अर्थात्—

1. इन निवासों का नाम सरकारी निवास स्थानों का आवंटन (दिल्ली में साधारण पूल) चतुर्थ संशोधन नियम, 1971 होगा।
2. ये नियम 1 दिसम्बर, 1971 को प्रवृत्त होंगे।

3. अनुरूप नियम के भाग 8, प्रभाग 26-ब्र में अन्तर्विट, सरकारी निवास स्थानों का आवंटन (दिल्ली में साधारण पूल) नियम, 1963 में, नियम अनु० नि० 317-ब्र-13 के उत्तियम 3 में "अपनो गारण्टा वापस लेना है या" शब्द लृप्त कर दिये जाएंगे।

[स० फा० 18017(1)/68-नाति-1]

राम बहादुर सक्सेना,
मध्यपदा उप निदेशक (नोति)।

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 26th November 1971

S.O. 366.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) the Central Government hereby makes the following further amendment in the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Madras Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1971.
2. In the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957:—

In clause 13-B, sub-clause (2), after the proviso, the following proviso shall be added, namely:—

"Provided further that in respect of listed workers handling ore, the Board may fix the number at 16 days in a month with effect from the 1st May, 1971."

[No. S-67014/3/71-P&D]

K. D. HAJELA, Dy. Secy.

धम और पुनर्वास संशालन

(धम प्रीर रोजगार विभाग)

नई दिल्ली, 26 नवम्बर, 1971

का० फा० 366.—डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) को धारा 4 को उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एन्ड्रारा मद्रास अपंजीकृत डाक कर्मकार (नियोजन का विनियमन) त्रौम, 1957 में और आगे निम्नलिखित संशोधन करती है। जैसा कि उक्त उपधारा में अपेक्षित है, ये संशोधन पहले प्रकाशित किये जा चुके हैं, अर्थात्:—

- (1) इस स्कीम का नाम मद्रास अपंजीकृत डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1971 होगा।

(2) मर्गम अर्जीहत भाक कर्मकार (नियोजन का विनियमन) स्कीम, 1957 में ---

खण्ड 13-व, उा-ख०४ (2) पं, परन्तुक के पश्चात् निम्नलिखित परन्तुक जोडा जाएगा, प्रथम :--

“परन्तु यह कि अयस्क का कार्य करने वाले सूची में दिये गये कर्मकारों के सम्बन्ध में बाँ श्रेष्ठम मई, 1971 से वह सख्त एक मास में 16 दिन नियत करेगा।”

[म० एस-67014/3/71-पी० एफ० डी०]

के० डो० हजेना, उप सचिव।

(Department of Labour and Employment)

New Delhi, the 17th December 1971

S.O. 367.—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 199 dated the 6th January, 1968, the Central Government hereby appoints Shri V. Prasad as Regional Provident Fund Commissioner for the whole of the State of Mysore to assist the Central Provident Fund Commissioner in the discharge of his duties vice Shri K. S. Naik, with effect from the 13th September, 1971 (A.N.).

[No. 17(3)/67-PF.I(i).]

अम और रोजगार विभाग

नई दिल्ली, 17 दिसंबर, 1971

का० आ० 367.—रुमचारी भविष्य निधि और कुट्टम्ब पेशन निधि अधिनियम, 1952 (1952 का 19) की धारा 5 व व की उपधारा (2)द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना मंड्या का० आ० 199, तारीख, 6 जनवरी, 1968 को अधिकांत करते हुए केन्द्रीय सरकार श्री के० एस० नायक, के स्थान पर श्री वी० प्रसाद को केन्द्रीय भविष्य निधि आयुक्त को उसके कर्तव्यों का निर्वहन करने में सहायता देने के लिए समस्त मंसूर राज्य के दिए प्रदान विभाग भविष्य निधि आयुक्त 13 सितम्बर, 1971 (ए० एन०) से नियुक्त करती है।

[म० 17(3)/67-पी० एफ० 1(i)]

S.O. 368.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 200, dated the 6th January, 1968, the Central Government hereby appoints Shri V. Prasad to be an Inspector for the whole of the State of Mysore for the purposes of the said Act and of any

Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field, or a controlled industry.

[No. 17(3)/67-PF.I(ii).]

का० आ० 368.—रुमचारी भविष्य निधि और कुट्टम्ब पेशन निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1)द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 200, तारीख, 6 जनवरी, 1968 को अधिकांत करते हुए केन्द्रीय सरकार एन्ड्रेडार श्री वी० प्रसाद को उक्त अधिनियम और उसके अधीन विभिन्न किसी स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के द्वारा उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कंपनी, महापत्तन, खनन या तेल क्षेत्र या नियन्त्रित उद्योग ने वंचित किसी स्थापन के संबंध में सम्पूर्ण मंसूर राज्य के लिए नियुक्त करती है।

[म० 17(3)/67-पी० एफ० 1(ii).]

S.O. 369.—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees, provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 980 dated the 8th March, 1968, the Central Government hereby appoints Shri S. Thayumansundaram as Regional Provident Fund Commissioner for the whole of the State of Tamil Nadu and the Pondicherry, and Karaikal areas of the Union territory of Pondicherry, to assist the Central Provident Fund Commissioner in the discharge of his duties vice Shri N. Achuthan Nair, with effect from the 16th September, 1971.

[No. 17(95)/66-PF-I(i).]

का० आ० 369.—रुमचारी भविष्य निधि अधिनियम, 1952

(1952 का 19) की धारा 5 व की उपधारा (2)द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 980 तारीख 8 मार्च, 1968 को अधिकांत करते हुए केन्द्रीय सरकार श्री एन० अचुथन नायर के स्थान पर श्री एम० थायुमनसुन्दरप० को, केन्द्रीय भविष्य निधि आयुक्त को उसके कर्तव्यों का निर्वहन करने में पहाड़ा देने के लिए, 16 फ़िष्ट्रेल, 1971 से, समस्त तमिल नाडु राज्य और पांडिचेरी पूर्व राज्य थे०त्र के पांडिचेरी और कराएकल थे०त्रों के लिए एन्ड्रेडारा प्रादेशिक भविष्य निधि आयुक्त नियुक्त करती है।

[म० 17(95)/66-पी० एफ० 1(i)]

S.O. 370.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 981 dated the 8th March, 1968, the Central Government hereby appoints Shri S. Thayumansundaram to be an Inspector for the whole of

the State of Tamil Nadu and the Pondicherry and Karaikal areas of the Union territory of Pondicherry for the purposes of the said Act and of any Scheme framed thereunder in relation to establishments belonging to or under the control of the Central Government, or in relation to establishments connected with a railway company, a major port, a mine or an oil-field, or a controlled industry vice Shri N. Achuthan Nair.

[No. 17 (95)/66-PF I (II)]

का० आ० 370.—कर्मचारी भविष्य निधि और कुटूंब रोजन निधि प्रधिनियम, 1952 (1952 का 10) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के अम, रोजगार और पुनर्वास मंत्रालय (अम और रोजगार विभाग) की अधिसचना में का० आ० 981 तारीख 8 मार्च, 1968 को अधिकृत करते हुए, केन्द्रीय सरकार एन्ड हारा श्री एस० थायूमनसून्हरभू को, श्री पैन० अनुयान नायर के स्थान पर, उक्त अधिनियम और उसके नियंत्रणाधीन (कमी स्थापन के संबंध में या किसी ऐल कम्पनी, महापत्तन, खात या तेल भेत्र या नियंत्रित उद्योग व संरचित किसी स्थापन व संबंध में सम्पूर्ण तमिल नाडू राज्य, और गाडिवेरी मंच राज्य थेट्रो के पांडिकेरी और करायकल थेट्रों के लिए नियंत्रक नियुक्त परती है।

[मं० 17 (95)/66-पी०एफ०/(II)]

S.O. 371.—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds and Family Pension Fund Act, 1952 (10 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4045, dated the 11th November, 1968, the Central Government hereby appoints Shri K. S. Naik as Regional Provident Fund Commissioner for the whole of the State of Maharashtra and the Union territory of Goa, Daman and Diu to assist the Central Provident Fund Commissioner in the discharge of his duties vice Shri K. S. Sethi.

[No. 17(80)/65-PF I (I)]

का० आ० 371.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 5 व की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार अम, रोजगार और पुनर्वास मंत्रालय (अम और रोजगार विभाग) की अधिसचना संघया का० आ० 4045 तारीख 11 नवम्बर, 1968 को अधिकृत करते हुए, केन्द्रीय सरकार श्री क० एस० नेठी के स्थान पर श्री क० एस० नायक को, केन्द्रीय भविष्य निधि आयन को उसके कर्तव्यों का निवैहन व्यापे में लहायता देके के लिए भगवन महाराष्ट्र राज्य तथा गोवा, दमन और दीव मंच राज्य थेट्रों के लिए एन्ड हारा प्रादेशिक भविष्य निधि आयन निपूळ जारी है।

[मं० 17 (80)/65-पी०एफ० 1(I)]

S.O. 372.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4046, dated the 11th November, 1968, the Central Government hereby appoints Shri C. S. Naik to be an Inspector for the whole of the State of Maharashtra and the Union territory of Goa, Daman

and Diu for the purposes of the said Act and of any Scheme framed thereunder, in relation to establishments belonging to, or under the control of the Central Government, or in relation to establishments connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 17(8)/65-PF.I(II)]

का० आ० 372.—कर्मचारी भविष्य निधि और कुटूंब रोजन निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के अम, रोजगार और पुनर्वास मंत्रालय (अम और रोजगार विभाग) की अधिसचना संघया का० आ० 4046 तारीख 11 नवम्बर, 1968 को अधिकृत करते हुए केन्द्रीय सरकार एन्ड हारा श्री क० एस० नायक को उक्त अधिनियम और उसके प्रदीन विरचित किसी स्कीम के प्रयोजनों के लिये केन्द्रीय सरकार के द्वारा उसके नियंत्रणाधीन किसी स्थापन के सम्बन्ध में या किसी ऐल कम्पनी, महापत्तन, खात या तेल भेत्र या नियंत्रित उद्योग व संरचित किसी स्थापन व संबंध में सम्पूर्ण तमिल नाडू राज्य, और गाडिवेरी मंच राज्य थेट्रों के पांडिकेरी और करायकल थेट्रों के लिए नियंत्रक नियुक्त परती है।

[मं० 17(8)/65-पी० एफ० 1(II)]

New Delhi the 20th December 1971

S.O. 373.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 509, dated the 13th January, 1971 the Central Government having regard to the location of the Government Press, Aurangabad in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said press from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 25th November, 1971 upto and inclusive of the 24th November, 1972.

[No. F. 601(55)/70-HI.]

नई दिल्ली, 20 दिसम्बर 1971

का० आ० 373.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 व द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के अम, रोजगार और पुनर्वास मंत्रालय (अम और रोजगार विभाग) की अधिसचना मं० का० आ० 509 तारीख 13 जनवरी, 1971 के क्रम में केन्द्रीय सरकारी पेस और गावाद की ऐसी थेट्रो में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं अवस्थिति को ध्यान में रखने हुए उक्त प्रेम को उक्त अधिनियम के अध्याय 5-के अधीन उद्घरणीय नियोजक के विशेष अभिदाय के संदाय से 25 नवम्बर 1971 से 24 नवम्बर 1972 तक जिसमें वह दिन भी सम्मिलित है एक और वर्ष की कालावधि के लिये एन्ड हारा छठ वेती है।

[मं० पा० 601(55)/70-एच० आई०]

S.O. 374.—In exercise of its powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of

the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 256 dated the 7th January, 1971, the Central Government having regard to the location of the Messrs Central Asphalt Plant, Egmore, Madras belonging to the Corporation of Madras in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 20th November, 1971 upto and inclusive of the 19th November, 1972.

[No. F. 601(63)/70-HI.]

का० आ० 374.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 256 तारीख 7 जनवरी 1971 के क्रम में केन्द्रीय सरकार मद्रास निगम के मैसर्स सेंट्रल अस्फाल्ट प्लाट एगमोर मद्रास की ऐसी क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं अवस्थिति को ध्यान में रखते हुये उक्त कारब्बने को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 20 नवम्बर 1971 से 19 नवम्बर 1972 तक जिसमें वह दिन भी सम्मिलित है एक और वर्ष की कालावधि के लिये एतद्वारा छूट देती है।

[सं० का० 601(63)/70-एच० आई०]

S.O. 375.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 510 dated the 13th January, 1971 the Central Government having regard to the location of the Government Press and Stationery Stores, Kolhapur in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts said press from the payment of employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 1st December, 1971 upto and inclusive of the 30th November, 1972.

[No. F. 601(61)/70-HI.]

का० आ० 375.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 510 तारीख 13 जनवरी, 1971 के क्रम में केन्द्रीय सरकार सरकारी मुद्रणालय और स्टेशनरी स्टोर्स, कोल्हापुर की ऐसी क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं अवस्थिति को ध्यान में रखते हुये उक्त मुद्रणालय को उक्त अधिनियम के प्रध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 1 दिसम्बर 1971 से 30 नवम्बर 1972 तक जिसमें वह दिन भी सम्मिलित है एक और वर्ष की कालावधि के लिये एतद्वारा छूट देती है।

[सं० का० 601(61)/70-एच० आई०]

S.O. 376.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 833 dated the 29th January, 1971 the Central Government having regard to the location of the Police Transport Workshop, Petlaburz, Hyderabad in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said workshop from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 14th November, 1971 upto and inclusive of the 13th November, 1972.

[No. F. 601(56)/70-HI.]

का० आ० 376.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 833 तारीख 29 जनवरी 1971 के क्रम में केन्द्रीय सरकार पुलिम ट्रॉपोर्ट वर्कमशाप पेट्रोलुम इंडिया लिमिटेड की ऐसी क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं अवस्थिति को ध्यान में रखते हुये उक्त वर्कमशाप को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 14 नवम्बर 1971 से 13 नवम्बर 1972 तक जिसमें वह दिन भी सम्मिलित है एक और वर्ष की कालावधि के लिये एतद्वारा छूट देती है।

[सं० का० 601(56)/70 एच० आई०]

S.O. 377.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 253, dated the 7th January, 1971 the Central Government, having regard to the location of the Government Regional Press, Salem in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said Press from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 30th November, 1972.

[No. F. 601(60)/70-HI.]

का० आ० 377.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 253 तारीख 7 जनवरी 1971 के क्रम में केन्द्रीय सरकार सरकारी रीजनल प्रेस सालेम की ऐसी क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं अवस्थिति को ध्यान में रखते हुए उक्त प्रेस को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 30 नवम्बर 1971 से 29 नवम्बर 1972 तक जिसमें वह दिन भी सम्मिलित है एक और वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[सं० का० 601(60)/70-एच० आई०]

S.O. 378.—Whereas the Central Government has satisfied that M/s. Gasket and Oil Seals Private Limited was situated in Bil area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Baroda in the State of Gujarat;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employer's special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), until enforcement of the provisions of Chapter V of the said Act in that area by the Central Government in the notification of the Government of India in the late Department of Social Security No. S.O. 4078, dated the 17th November, 1964,

And, whereas the Central Government is satisfied that the insurable population of the Bil area in the district of Baroda in the State of Gujarat has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the said notification, namely:

In the Schedule to the said notification against Serial No. 1 the entry 'Bil' in column 3 and the entry corresponding thereto in column 4 shall be omitted.

[No. F. S-38018/4/71-I.]

फा० आ० 378.—यतः केन्द्रीय सरकार का यह समाधान हो गया था कि मैसर्स गास्केट एंड आयल सील प्राइवेट लिमिटेड, गुजरात राज्य के बड़ौदा जिले में विल क्षेत्र में, जो विखरी हुई आबादी वाला क्षेत्र था (अर्थात् ऐसा क्षेत्र जिसकी बीमा योग्य आबादी 500 से कम थी) स्थित था ;

और यतः उसकी विखरी हुई आबादी के क्षेत्र में अवस्थिति के आधार पर केन्द्रीय सरकार ने उपर्युक्त कारखाने को भारत सरकार के भूतपूर्व सामाजिक सुक्ष्मा विभाग की अधिसूचना सं० का० आ० 4078 तारीख 17 नवम्बर, 1964 द्वारा कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-च के अधीन नियोजक के विशेष अभिदायों के संदाय से तब तक के लिए छूट दें दी थी जब तक कि उक्त अधिनियम के अध्याय 5 के उपबन्ध उस क्षेत्र में प्रवर्तित नहीं हो जाते;

और यतः केन्द्रीय सरकार का यह समाधान हो गया है कि गुजरात राज्य के बड़ौदा जिले में विल क्षेत्र की बीमा योग्य आबादी अब 500 से अब गई है यह अब विखरी हुई आबादी का क्षेत्र नहीं है ;

अतः अब, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की अनुसूची में क्रम सं० 1 के सामने स्तम्भ 3 में प्रविष्ट "विल" और स्तम्भ (4) में की तत्स्थानी प्रविष्टि लूप्त कर दी जाएंगी ।

[सं० फा० एम-38018(4)/71-एच० आई०]

S.O. 379.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 1937, dated the 27th April, 1971 the Central Government having regard to the location of the Government Printing Press and Stationery Depot, Baroda in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said Depot from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 26th November, 1971 upto and inclusive of the 25th November, 1972.

[No. F. 602(52)/70-HL.]

फा० आ० 379.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुर्वार्थास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 1937 तारीख 27 अप्रैल, 1971 के क्रम में केन्द्रीय सरकार सरकारी प्रिंटिंग प्रैस एंड स्टेशनरी डिपो, बड़ौदा की ऐसी क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं अवस्थिति को ध्यान में रखते हुए उक्त डिपो को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय में 26 नवम्बर, 1971 से 25 नवम्बर, 1972 तक जिसमें वह दिन भी मिलित है एक और वर्ष की कालावधि के लिए एतद्वारा छूट देती है ।

[सं० फा० 602(52)/70-एच० आई०]

S.O. 380.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 258, dated the 7th January, 1971 the Central Government having regard to the location of the Telugu Press and Secretariat Press, Hyderabad in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said presses from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the date of expiry of the period specified in the said notification.

[No. F. 601(57)/70-HL.]

DALJIT SINGH Under Secy.

फा० आ० 380.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुर्वार्थास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 258 तारीख 7 जनवरी, 1971 के क्रम में केन्द्रीय सरकार तेलगु प्रैस एंड सेक्रेटेरियेट प्रैस, हैदराबाद की ऐसी क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं अवस्थिति को ध्यान में रखते हुए उक्त प्रैसों को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय में अधिसूचना में पिनिविष्ट अवधिकी समाप्ति की तारीख तक जिसमें वह दिन भी मिलित है एक और वर्ष की कालावधि के लिए एतद्वारा छूट देती है ।

[सं० फा० 601(57)/70-एच० आई०]

दलजीत सिंह, अवर सचिव ।

(Department of Labour and Employment)

New Delhi, the 20th December 1971

S.O. 381.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints the Labour Enforcement Officer (Central), Chhindwara as a Conciliation Officer and makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2110, dated the 19th June, 1967, namely:—

In the Table annexed to the said notification against Sl. No. 14, in column 2, for the entry, the following entry shall be substituted, namely:—

"Labour Enforcement Officer (Central) Chbindwara".

[No. S. 11025/38/71/LRI]

(अम और रोजगार विभाग)

नई दिल्ली, 20 दिसम्बर, 1971

का० आ० 381.—अधिकारी विवाद अधिनियम, 1947 (1947 का 14) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा अम प्रबन्धन अधिकारी (केन्द्रीय), छिंदवाड़ा के मुलह अधिकारी के द्वारा में नियुक्त करती है श्रीर भारत सरकार के थम, रोजगार श्रीर पुनर्वसि मंत्रालय (अम और रोजगार विभाग) की अधिसूचना सम्मान का० आ० 2110 नारीख 16 जून, 1967 में निम्नलिखित संशोधन श्रीर करती है, अर्थात् :—

उक्त अधिसूचना से सम्पर्क भारणी में कम सम्मान 14 के सामने संभ 2 की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात् :—

"अम प्रबन्धन अधिकारी (केन्द्रीय),
छिंदवाड़ा।"

[सं. पा०-11025/38/71/एन० आ० आई०]

ORDER

New Delhi, the 17th November 1971

S.O. 382.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the State Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri I. G. Thakore shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of the State Bank of India, Ahmedabad in dismissing Shri B. N. Jha, Watchman of their Savli Branch on the 10th May, 1971 is justified? If not, to what relief is he entitled?"

[No. L.12011/15/71/LRIII.]

आदेश

नई दिल्ली, 17 नवम्बर, 1971

का० आ० 382.—यतः केन्द्रीय सरकार की राय है कि इससे उपावद्व अनुसूची में विनिर्दिष्ट विषयों के बारे में स्टेट बैंक आफ इडिया के प्रबन्ध से सम्बद्ध नियोजकों श्रीर उनके कर्मकारों के बीच एक अधिकारी विवाद विद्यमान है;

श्रीर यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहनीय समझती है;

अतः अब, श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क श्रीर धारा 10 की उपधारा (1) के लिए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा एक अधिकारी अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री आई० जी० ठाकुर होगे जिनका मुख्यालय अहमदाबाद होगा श्रीर उक्त विवाद को उक्त अधिकारी अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या स्टेट बैंक आफ इडिया, अहमदाबाद के प्रबन्धमंडल की साथली शाखा के चौकीदार श्री बी० एम० झा को पदच्युत करने की कार्यवाही न्यायोचित है? यदि नहीं, तो वह किस अनुत्तीप का हकदार है?"

[सं. एल०-12011/15/71-प्रा०आ०-III]

S.O. 383.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No. 2, Bombay constituted under section 7A of the said Act.

SCHEDULE

"Whether the demands of the Vidarbha Bank Employees Federation that Sarvashri M. S. Shinde and N. G. Jadhao, formerly peons at Akot Branch of Central Bank of India should be reinstated and absorbed in the permanent service of the Bank were justified? If so, to what reliefs are the workmen entitled?"

[No. L.12012/85/71/LRIII.]

S. S. SAHASRANAMAN, Under Secy.

का० आ० 383.—यतः केन्द्रीय सरकार की राय है कि इससे उपावद्व अनुसूची में विनिर्दिष्ट विषयों के बारे में सेन्ट्रल बैंक आफ इडिया के प्रबन्ध से सम्बद्ध नियोजकों श्रीर उनके कर्मकारों के बीच एक अधिकारी विवाद विद्यमान है;

श्रीर यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहनीय समझती है;

अतः अब, श्रीदीगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 के खण्ड (ध) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-के अधीन गठित श्रीदीगिक अधिकरण (सं० 2) द्वारा इसकी को न्यायनिर्णयन के निए निर्देशित करती है।

अनुसूची

क्या विदर्भ बैंक एम्प्लाईज फडरेशन की मांग कि सट्रल बैंक आफाइडिया के अकोट यात्रा के भूतपूर्व चपरासी मर्बशी एम० एम० शिवे तथा एन० जी० ज्याम्रों को यथापूर्व किया जाना चाहिए और बैंक स्थायी सेवा में अभासेलित किया जाना चाहिए, न्यायोनित है? यदि हाँ, तो कर्मकार किस अनुतोष के हकदार हैं?

[सं० एल०-12012/85/71-एल०आर० III]

एम० एम० सहस्रनामन,

अध्यर सचिव

(Department of Labour and Employment)

New Delhi, the 18th January 1972

S.O. 384.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri R. B. Majumdar, Assistant Labour Commissioner (Central), Chaibasa, Arbitrator, in the industrial dispute between the employers in relation to the management of Bhanora Colliery of Messrs Equitable Coal Company Limited, Post Office Charanpur, District Burdwan and their workmen, which was received by the Central Government on the 11th January, 1972.

BEFORE SRI R. B. MAZUMDAR, ASSISTANT LABOUR COMMISSIONER (CENTRAL), CHAIBASA & ARBITRATOR:

PARTIES:

Employers in relation to Bhanora (Bhanora Incline) Colliery of M/s. Equitable Coal Company Ltd., P.O. Charanpur, Dist. Burdwan.

AT.D

Their workmen represented by the Colliery Mazdoor Congress (Independent) Gorai Mansion, G.T. Road, Asansol, District, Burdwan.

APPEARANCES:

For the Employers.—(1) Sri H. R. Dasgupta, Personnel Officer, M/s. Equitable Coal Company Ltd., P.O. Dissergarh, Dist. Burdwan.

(2) Shri A. K. Tarafdar, Labour Officer, Jamuria Group of Collieries of M/s. Equitable Coal Company Ltd., P.O. Charanpur, Dist. Burdwan.

For the Employee.—(1) Sri Jagdish Pandey, General Secretary, Colliery, Mazdoor Congress (Independent), Gorai Mansion, G.T. Road, Asansol, Dist. Burdwan.

(2) Shri Jagdish Singh, Jt. Secretary, Colliery Mazdoor Congress (Independent), Gorai Mansion, G.T. Road, Asansol, Dist. Burdwan.

INDUSTRY: Coal Mining. STATE: West Bengal.
No. ALC/CH/Misc(11)/71

Chaibasa, dated the 4th January 1972

AWARD

The Central Government having received the Arbitration Agreement dated, the 14th July, 1971 between

the Management of Bhanora (Bhanora Incline) Colliery, P.O. Charanpur, Dist. Burdwan (hereinafter referred to as the Management) and their workmen represented by the Colliery Mazdoor Congress (Independent), P.O. Asansol, Dist. Burdwan (hereinafter referred to as the Union) in pursuance of Sub-section (i) of Section 10A of the Industrial Dispute Act, 1947, the specific matters in dispute as detailed below to my arbitration, and the Central Government being of opinion that an industrial dispute existed b/w between the Employers in relation to the Management of Bhanora (Bhanora Incline) Colliery, P.O. Charanpur, Dist. Burdwan and their workmen ordered publication of the said Arbitration Agreement in Gazette of India, Part II Section 3, Sub-Section (ii) under its Order No. L-1913/9/71-LR.II, dated 2nd August, 1971.

"Keeping in view the duties performed by Shri Lall Bonari Singh during the last two years at Bhanora (Bhanora Incline) Colliery of M/s. Equitable Coal Co. Ltd., P.O. Charanpur, Dist. Burdwan, whether the Management is justified in calling upon him to work underground as a Timber Mistry with effect from 10th May, 1971 if not, to what relief is he entitled?"

2. The Superintendent Administration, M/s. Equitable Coal Co. Ltd., P.O. Dissergarh, Dist. Burdwan and the General Secretary of the Colliery Mazdoor Congress (Independent) were requested under my letter No. ALC/CH/Misc/(11)/71, dated 22nd July, 1971 to submit their respective statements endorsing a copy of their written statement to each other and also rejoinder, if any, on the written statements of the other party endorsed to each other by the parties. The Union submitted their written statement under its letter No. CMC/Ans/1/71, dated 30th July, 1971 endorsing a copy thereof to the Management which was received by me on 3rd August, 1971. The representative of the management, however, prayed for time upto 20th August, 1971 for filing their written statement under their letter No. Lab/71/Arb/2213, dated 27th July, 1971 which was received by me on 30th July, 1971. The Management was, however, requested under my letter No. ALC/CH/Misc/(11)/71, dated 3rd August, 1971 to furnish latest by 15th August, 1971 their written statement and also rejoinder, if any, on the Union's written statement already endorsed to them by the Union, since the Management had neither submitted their own written statement nor rejoinder on the Union's written statement till 15th August, 1971. They were again requested in this regard under my letter No. ALC/CH/Misc/(11)/71, dated 19th August, 1971 to furnish their written statement and rejoinder, if any, latest by 25th August, 1971. Thereafter I requested both the Management and the Union under my letter No. ALC/CH/Misc/(11)/71, dated 20th August, 1971 to attend the hearing in the Office of the Regional Labour Commissioner (C), Asansol on 1st September, 1971 but the hearing had to be postponed to 10th September, 1971 with due intimation to the Management and the Union due to some unavoidable Official pre-occupation at Chaibasa. In the meantime, however, the written statement cum rejoinder of the Management was received on 27th August, 1971 under their letter No. Lab/71/Arb/2420, dated 24th August, 1971. The Union was also asked under my letter No. ALC/CH/Misc/(11)/71, dated 2nd September, 1971 to furnish their rejoinder, if any, on the Management's written statement a copy of which was stated by the Management to have been endorsed to them. Thereafter, the matter came up for hearing on 10th September, 1971 at Asansol. On 10th September, 1971, Sri H. R. Dasgupta, Personnel Officer on behalf of the Management was present and Sri Jagdish Pandey, General Secretary of the Union was presented on behalf of the workmen. The representative of the Management filed a list of documents to be produced and charge sheet dated 25th May, 1971 issued to Sri Lall Behari Singh, Service Card of Sri Lall Behari Singh which were marked as exhibits PW 1 and PW 2 respectively with the consent of the

Union but the representative of the Union did not file any list of documents. On 10th September, 1971, the Union produced Sri Lall Behari Singh, the workman under dispute (W.W.1) for examination and commented on the rejoinder dated 24th August, 1971 of the Management and prayed for time to produce witnesses as named by W.W.1 at spot for examination in support of workman's stand that he had worked as a Chaparasi for two years back from 10th May, 1971 and the Management also requested for time for producing further documentary evidence and its witnesses. Accordingly, the hearing was adjourned to 27th September, 1971 at 10 A.M. at Asansol.

On 27th September, 1971 at 10 A.M. S/Sri H. R. Dasgupta, Personnel Officer and A. K. Tarafdar, Labour Officer were present on behalf of the Management and Sri Jagadish Singh, Jr. Secretary of the Union was present from the side of the workman in the hearing. On 27th September, 1971 the Management's representative produced in presence of the representation of the Union, the Attendance Register in Form 'C' of different weeks during the period from 21st June, 1969 to 7th November, 1970 and the Lamp issue register for weeks ending 1st August, 1970, 30th May, 1970, 5th September, 1970 and 2nd May, 1971 and Employees Register in Form 'B' for 1971 and tried to show that Sri Lall Behari Singh was appointed as a Timber Mistry in 1955 and had been working as such underground and lamps were issued to him. The representative of the Union requested for time till 8 P.M. on that date to produce further witnesses on informing him that in view of reported labour-unrest at Bhanora Colliery on that day it will not be possible for me to examine their witnesses at the Colliery and they had furnished the list of witnesses for examination. Accordingly, with the consent of the Management, the hearing was adjourned to 3 P.M. on that day for examination of witnesses on behalf of the management and the Union and for argument.

4. At 3 P.M. on 27th September, 1971, the hearing was resumed and the Union produced as their witnesses S/Sri Samla Singh, Lamp Clerk (W.W.2), Ujhar Ali, Tub-checker (W.W.3), Seojug Rai, Mining Sadar (W.W.4), Ram Prashad, Electric Helper (W.W.5) Shankar Das Tiwari, Chaparasi (W.W.6), Abdul Jalil, underground Tramer (W.W.7) & Ranjit Singh Timbar Mazdoor (W.W.8) for examination and the Management produced Sri R. D. Banerjee, Personnel Assistant working in their Dissergarh Office (W.W.1), as their witness and letter dated 4th July, 1971 from Sri Panchkori Banerjee, underground Time Keeper addressed to the Manager, Bhanora Cellery. This letter was marked an exhibit (P.W.3) with the consent of the Union.

5. The case of the Union in brief as made out in their written statement dated 30th July, 1971 is that though Sri Lall Behari Singh, who was originally working as a Timber Mistry since over 15 years in Bhanora Colliery of the Management but as per direction of the Management sometime in April/May 1969, he had been working as a Chaparasi on the surface on wages and allowances payable to Timber Mistry; that after having worked as Chaparasi for more than 2 years when he was unduly asked to work as a Timber Mistry again he having expressed his difficulties to work as such was stopped from his duties since 10th August, 1971 without any rhyme or reason; that such action of the Management is illegal, wrongful, motivated and victimising in nature; that when Sri Lall Behari Singh (W.W.1) had accepted the change in service condition imposed by the Management, he should have been regularised as a Chaparasi with full protection of wages on his completion of 6 months service as a Chaparasi in accordance with the Certified Standing Orders of the Management.

6. The case of the Management is brief as made out in their written statement dated 24th August, 1971 is that the workmen under reference was originally designated as a Timber Mistry and basically required to work underground and as such there was no occasion for the Management to ask him specially to work underground; that it is absurd that the workman had worked

as a Chaparasi on the surface but never had hesitated to enjoy the allowances and other amenities of an underground workman; that there was no change in the condition of service of the workman as alleged by the Union; that the workman was not stopped from work from 10th March, 1971 as alleged by the Union rather he has been absenting wilfully from that date; that in some exigencies the workman was required to lower timbers from surface to underground; that the fact that the workman had not only been taking camp lamp but had all along been enjoying the wages and allowances of an underground worker and as his name was entered in the Lamp register is sufficient proof of his having worked underground; that the Management is justified in calling upon Sri Lall Behari Singh to work underground as a Timber Mistry on 10th May, 1971.

The point for consideration in this reference is whether the Management was justified in calling upon Sri Lall Behari Singh (W.W.1) to work underground as a Timber Mistry with effect from 10th May, 1971.

The case pleaded by the Union during hearing is hereinafter indicated. The concerned workman had been working as a Chaparasi for two years prior to 10th May, 1971 and that after completion of 6 months service as a Chaparasi he had been approaching the Management for regularising him as a Chaparasi and allowing him the scope of earning the Annual increments in the grade of Chaparasi. Ultimately on 10th May, 1971, he was asked to go underground and work as a Timber Mistry. He then had approached the Management with his grievance and requested that he should be allowed to continue to work as a Chaparasi but the Management did not do justice to him and in an unfair manner forced the workman idle from 10th May, 1971. According to the Union, the workman did not absent from duty from 10th May, 1971 as alleged by the Management and if the absence had occurred though not admitted it might be arising out of the wrong order of the Management and the fact that the workman was enjoying underground allowance and was issued lamp cannot go to prove that he was working regularly as a Timber Mistry underground. That in the Collieries practice prevails that even a surface worker needs a lamp in the night time from the lamp room and the workman might have been supplied lamp occasionally while lowering Timber from surface.

8. The case pleaded by the Management during hearing is as hereafter indicated. The concerned workman had all along been working underground as a Timber Mistry and paid underground allowances and the workman had never protested against his so-called change of service condition when he was asked sometimes to work on surface though he was an underground worker working as a Timber Mistry and enjoying underground allowance and was supposed to work as such and there was no occasion to specially ask him to work as a Timber Mistry underground on 10th May, 1971. He was not stopped from work but has been absenting from 10th May, 1971 for which a charge sheet dated 25th May, 1971 (Ext. P.W. 1) was issued to him. As regards the Union's contention that the workman's absence might be arising out of wrong order of the Management, it was stated that the workman could have challenged the wrong order instead of absenting from duty. The workman never worked as a Chaparasi but in exigencies had to lower timbers from surface to underground detailment of any underground worker for the lowering of timber from surface underground does not entitle him to be a Chaparasi which designation does not exist in the Collieries.

9. The Union examined eight witnesses. The first witness was the concerned workman (W.W.1). In his examination-in-Chief, he stated that he was asked to work on surface from October/November, 1968 and was arranging workmen who were short in different sections and in the night he used to call men from their residences for duty and used to guard the haulage in the night; that he did not get any service card; that the

fact that he was working as a Chaparasi at the Colliery is known to several workers, viz. Rameswar Singh, Timber Mistry, Ujanar Mia, Tub-checker, Shankar Bihari, Mining Sardar and Sarjug Rai, Mining Sardar that he was not going underground during 2 years ending on 9th May, 1971 and that he had been stopped from work when he expressed that he cannot work underground on being asked by the Management. In his cross-examination (W.W.1) Sri Lall Behari Singh stated that he was asked verbally to work as a Chaparasi from 2 months prior to the year 1969 though he had no written proof in this regard; that when he was working regularly for 2 years as Chaparasi and sometimes when necessary he had taken the lamp in the night like other Chaparasis and sometimes in the day time when any worker required the same when his lamp was out of order; that he was stopped from work by the Management when he refused to go underground being ordered by him; that he did not know the service Card (Ext. P.W.2) and could not recognise whether his L.T.I. was put there; that he drew the wages for Timber Mistry for the 2 years under question when he had worked as a Chaparasi; that he had no proof that he had approached the Manager for regularising him as a Chaparasi.

10. The second witness was one Samle Singh, Lamp Clerk (W.W.2). He stated during examination-in-Chief that he had seen W.W.1 working as a Chaparasi; that W.W.1 used to watch the stock of Coal and Timber. In his cross examination he, however, stated that W.W.1 was not working as a Chaparasi in the Lamp Room but watching the stock of Coal and timber on surface.

The third witness was one Sri Ujanar Ali (W.W.3), Tun-checker South Bhanora Colliery and Bhanora Incine Colliery. He stated in his examination-in-Chief that he also saw Sri Lall Behari Singh (W.W.1) working as a Chaparasi; that W.W.1 was watching Coal Depot; that W.W.1 used to awaken the workmen who were sleeping; that W.W.1 used to go to the Manager with raising report and that W.W.1 was not seen by him working as a Timber Mistry. In this cross-examination of course, he stated only that W.W.1 was working on surface.

11. Sri Sarjug Rai, Mining Sardar, South Bhanora Colliery (W.W.4) the fourth witness examined on behalf of the workman stated that Sri Lall Behari Singh (W.W.1) had been working as a Chaparasi in Attendance Room Coal Depot and used to go to awaken the workers of the 3rd shift including himself. In his cross examination, however, WW4 stated that Sri Lall Behari Singh (W.W.1) was working on surface and had worked as a Timber Mistry with him sometime in 1968.

12. Sri Ram Frasad, Electric Helper (W.W.5) of Sough Bhandora Colliery on examination stated that Sri Lall Bihari Singh (W.W.1) when there was any break down in course of 2/3 years used to go and awaken him working as a Chaparasi but in his cross-examination stated that he does not know any person working on surface & their duties.

13. Sri S. D. Tiwari (W.W. 6), Chaparasi, Bhanora Colliery, the sixth witness examined on behalf of the workman stated that Sri Lall Behari Singh (W.W.1) had worked earlier as a Timber Mistry but since 2½ years he had been working as a Chaparasi as he used to move about in the Colliery with a stick in his hand used to go to labour quarters to call the workers & to go to Officers quarters with raising & break-down report. In his cross-examination, he also stated that he saw W.W.1 in Bhawrah, Depot & incline awakening the workmen in the night shift and he does not know in which attendance register attendances of surface & underground workers are marked and whether W.W.1 had been receiving wages of Timber Mistry or Chaparsi.

14. Sri Abdul Jallill (W.W. 7), underground Trammer in Bhanora Incline Colliery was examined on behalf of the workmen and he stated that Sri Lall Behari Singh (W.W.1) was working as a Timber Mistry 2 years

back but subsequently he had been working as Chaparasi engaged in Attendance Room for calling the workmen in the night shift.

In this cross-examination, however, he stated that W.W. 1 used to be in the Attendance Room and moved about in the Colliery with a stick in his hand like other Chaparasis and had seen him preventing removal of Coal from the depot and as such he was working as a Chaparasi.

15. Sri Ramji Singh (W.W. 7), Timber Mazdoor, Sough Bhanora Colliery was examined on behalf of the workman. He stated that W.W.1 was working since 2½ years as a Chaparasi and had been working as a Timber Mistry earlier; that he was once prevented from removing Coal from the Coal Depot by W.W.1 and that W.W. 1 used to carry 5½ long lathi (strick) in his hand. In his cross-examination, he stated that Sri Singh (W.W.1) was asked to work as a Chaparasi by the Attendance clerk.

16. The Management had examined one witness, viz. Sri H.D. Banerjee (MW1), Personnel Assistant, in the Head office of M/s. Equitable Coal Co. at Dissargarn. In his examination-in-chief he had exhibited one letter dated 4th June, 1971 from Sri Panchkail Banerjee addressed to the Manager of the Colliery and this was marked as Ext. P.W.3 with the consent of the Union.

17. During the course of hearing, it was argued but the representative of the Union that since 2½ years, Sri Lall Behari Singh (W.W.1) had been working as a Chaparasi as seen by him and from the reports, he got from the Colliery and that the Management was not justified in asking him to work as Timber Mistry. Sri H. R. Dasgupta, Personnel Officer argued on behalf of the Management that the documentary evidence such as Attendance Registers in Form "C" Employment Register in form "B", service Card and Lamp Issues Registers already produced before me will go to prove that W.W.1 had all along been working as a Timber Mistry in the underground and that since the statement given by the witnesses examined by the Union do not conclusively prove that he had worked as a Chaparasi and since the statements are not supported by any documentary evidence, the Management were not required to call upon him specially to work as a Timber Mistry on 10th May, 1971 and as such the claim of the Union is a fictitious one and the workman is not entitled to any relief.

18. In the instance case, the Management has produced documentary evidences, service card of the workman (P.W.2). Report dated 4th June, 1971 (Ext. P.W.3) from the underground Time Keeper addressed to the Manager, Bhanora Colliery stating that (WW1) Sri Lall Behari Singh was deputed for lowering timber from surface to underground for seven days and he was asked to go back to duty as Timber Mistry afterwards, but he refused to do so and absented from duty since 10th May, 1971 and charge sheet dated 25th May, 1971 (Ext. P.W.1) was issued to WW1 as a Timber Mistry for absenting from duty from 10th May, 1971 with sanction, leave or permission. The lamp register, Attendance Register in Form 'C' for the period mentioned in para 3 above and Employees Register in Form 'B' for 1971 and service card (Ext. P.W.2) and Ext. P.W.1 and P.W.3 go to show that WW1 had been working as a Timber Mistry all along Turning to the evidences adduced by the workmen (WW1 to WW8). I feel recording that all were rather interested witnesses and their evidences were vague contradictory and their evidences could not be relied upon particularly in view of the incoherent evidences as revealed in cross-examination. One of the witnesses stated first that he knew that Sri Lall Behari Singh (WW1) was working as a Chaparasi on surface but when cross-examined by Sri Dasgupta, Management's representative, he stated that he did not know any person working on surface. The Union has not conclusively proved that Sri Lall Behari Singh was working as a Chaparasi.

Hence having regard to the evidence before me or the lack of it from the side of the Union and the evidence adduced by the Management, I would for the purpose of the case in hand say that the workman had never performed the duties of a Chaparasi but had been working all along as a Timber Mistry. That being so, I hold that the Management was justified in calling upon Sri Lall Behari Singh to work as a Timber Mistry as usual on 10th May, 1971 also and I can not accept the Union's version that Sri Lall Behari Singh was asked to work as a Timber Mistry specially on and from 10th May, 1971. So the question of awarding any relief to him does not arise.

The Arbitration Award is made accordingly, and submitted to the Government under Section 10A of the Industrial Disputes Act, 1947.

R. B. MAZUMDAR,

Assistant Labour Commissioner (Central) Chaibasa and Arbitrator.

Chaibasa, dated, the 4th January, 1972.

[No. L-1913/9/71-LRII.]

New Delhi, the 20th January 1972

S.O. 385.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Industrial Tribunal Madras, in the industrial dispute between the employers in relation to the management of Agricultural Farms Limited Talaiyuthu and their workmen, which was received by the Central Government on the 17th January, 1972.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS.

(Tribunal constituted by the Government of India)
Thursday, the 23rd day of December, 1971.

PRESENT:

Thiru K. Seetharama Rao, B.A., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 46 OF 1971

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the management of Agricultural Farms Limited, Sankarnagar).

BETWEEN:

Shri Perumal Sudalimuthu, Keela Thengulam Post, Sankarnagar (Via) Tirunelveli District, Tamil Nadu.

AND

The Manager, Agricultural Farms Limited, Krishan Building, Madurai Road, Sankarnagar, P.O. Talaiyuthu, R. S. District, Tirunelveli, Tamil Nadu.

REFERENCE:

Order (No. L-29012/16/71-LR-IV), dated 2nd July, 1971 of the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) Government of India, New Delhi.

This dispute coming on for final hearing on Friday the 17th day of December, 1971, upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru R. Ganapathy, Vice-President, Taluk General Workers' Union appearing for the worker and of Thiruvalargal M. R. Narayanaswami and K. R. Vijayakumar, advocates appearing for Management having stood over till this day for consideration, this Tribunal made the following Award.

AWARD

The issue for consideration in what is set out by the Government of India, as follows:—

"Whether the action of the management of Messrs Agricultural Farms Limited, owners of Ramayyampatti Lime Stone Quarry, Post Sankarnagar in removing the name of Shri Perumal Sudalimuthu from the rolls of the Quarry with effect from the 3rd January, 1971 is justified? If not, to what relief is the workman entitled?"

(2) The Union contended that Hammer Man Sudalimuthu had 10 years of service, in the concerned unit. He was also a Driller. On 3rd January, 1971, in the morning on his way to the work spot, worker Sudalimuthu got hurt and he was removed to Palayamcottah hospital. He sent word to the Management, that he was unable to work right till he recovered from injuries that he had sustained. The worker was discharged from the hospital only on 7th January, 1971. On 8th January, 1971 he reported for duty. The office clerk informed him on 8th January, 1971, that, as Manager (M. W. 2), was not present in the quarry, the worker could report for duty on the next day. On 8th January, 1971, the worker was paid his salary. Again on 9th January, 1971, he went over to the quarry with the medical certificate, and then he was informed that he was being issued a notice to explain his absence, and, on his giving a satisfactory explanation he could report to duty thereafter. The worker reported for duty on 10th, 11th, 12th and 13th of January, 1971 and yet he was not given work.

(3) The management contended that Standing Orders governing the employer and employees (Ex. M-21), were conclusive on the issue that on the employee obtaining himself, without leave or permission for a continuous period of 8 days, he lost his lien on his job. W.W. 1 lost such lien on the night of 9th January, 1971, and that is how the memo in Ex. W-2, was sent on 11th January, 1971, to inform the worker that he had failed to explain his continued absence after expiry of one day of Casual Leave granted to him and so he had lost lien on his appointment, as per standing orders of the Company.

(4) The further contention by the Management is that the worker (W. W. 1) was granted casual leave for 2nd January, 1971, and on his failing to return to duty, within 8 days of the expiry of the casual leave, he lost his job and that is how it came to pass that the memo dated 11th January, 1971 was issued to this worker. The plea that he applied for leave, through a co-worker, or that he reported for duty, day after day, or that he received his salary on 8th January, 1971 were false. The worker came to the quarry, on expiry of his casual leave only on 12th January, 1971, when he was paid his salary. The statement by the worker that he was getting medical treatment at Shankar Nagar Hospital made no difference in the applicability of standing order No. 10(c) that reads as follows:—

"If the workman remains absent without necessary leave or permission or beyond the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment unless he,

- (a) returns within eight days of the expiry of leave, and
- (b) explains to the satisfaction of the management his inability to return before the expiry of his leave."

(5) I am satisfied that the evidence of M. W. 1, that he disbursed salary to this worker (W. W. 1) on 12th January, 1971 in the truth. The pay day was 6th January, 1971. Under the rules, when a permanent employee, like W.W. 1 was absent on the pay day,

he had to be paid salary only on the succeeding Tuesday, and that is how W. W. 1 was paid salary on 12th January, 1971, as is borne out by the entry made in Ex. M-1(a) on 12th January, 1971 and in the evidence of M. W. 1.

(6) M. W. 2 is the Quarry Manager under whom the worker, who is W. W. 1 used to work. M. W. 2 deposed that, as W. W. 1 was absent on 6th January, 1971, the unpaid salary due to him, along with other unpaid salary, was credited back to the Administrative Office, as seen from the particulars set out in Ex. M-23. One finds that in Ex. M-23, W. W. 1's name is definitely there and the salary shown as not paid to him on 6th January, 1971 is Rs. 174.58. Only, when subsequently the salary was paid to W. W. 1 on 12th January, 1971, the voucher in Ex. M-24 was prepared, as per particulars set forth in detail in the list in Ex. M-25.

(7) In my view, the oral evidence tendered on behalf of the worker that salary was paid to W. W. 1 on 8th January, 1971 is not true. I find that documentary evidence read with the evidence of M. W. 1 and M. W. 2 does establish the truth that salary was paid to W.W.1 only on 12th January, 1971. As explained by M. W. 2, there is only a clerical mistake in Ex. M-2. The book maintained in respect of permanent workers in Ex. M-1. Only when the salary is paid on the first day, the receipts were obtained from workers at the quarry, and, however, when the salary was paid on a subsequent date like 12th January, 1971, the requisite receipt from W. W. 1 was obtained at the Administrative Office. There is nothing wrong, in my view, in obtaining W. W. 1's signature, both in Ex. M-25 and in Ex. M-1 Register.

(8) Only because, the evidence of W. W. 1 is found to be untrue on the issue about the date when the salary was paid to him, on that account, it cannot be that I must necessarily reject the entire evidence tendered by W. W. 1 to W. W. 4.

(9) Was W. W. 1 really injured on 3rd January, 1971? The certificate in Ex. W-6 and also the writing in Ex. W-1 reads that W. W. 1 was admitted as in-patient in Palayamcottah Hospital on 3rd January, 1971, and discharged from it on 7th January, 1971. M.W. 2 admitted that, at no time, had the management ever tried to contact the medical hospital at Tirunelveli to ascertain whether W. W. 1 was really an in-patient there or not. M. W. 2 knew nothing about the discharge certificate in Ex. W-6 or the receipt in Ex. W-7, that reads that 15 paise charge were received from W. W. 1, for issuing Ex. W-6 certificate.

(10) Admittedly, W. W. 1 was granted casual leave for 2nd January, 1971. His evidence is that, as he was then cycling at 5 A.M. on 3rd January, 1971 to reach the work spot, his brother had pushed him down from the cycle and beat him up, rendering him unconscious. On the sorrow of his discharge from Palayamcottah Hospital, that is on 8th January, 1971, this worker had reported at Shankarnagar Hospital, and that very day on 8th January 1971 he had proceeded to the work spot and handed over Ex. W1 to Clerk Madusamy who, however, gave back Ex. W1 stating that the Manager was not there and the worker was to report, on the next day. On 9th January, 1971, the worker again went to report to the work spot and then he saw the Manager, who read through Ex. W1 and the Manager stated that he would issue the charge Memo for absence, without leave, and the worker was to report only after giving a reply to that charge. At 4.00 P.M. on 9th January, 1971, the Manager (MW2) had informed this worker that the charge memo was not ready and that would be given on the next day, and again the worker reported on 10th January, 1971 to the Manager then said that WW1 would be given the charge memo on the next day, and, like that, the worker was put off, day after day, on 11th January, 1971, and again on 12th January, 1971 and then on

13th January, 1971. On 15th January, 1971 the worker received Ex. W2 through post, and then this worker sent his representations in Ex. W3, and he wrote to the Commissioner in the letter in Ex. W4 on 15th January, 1971 itself.

(11) It is seen that Ex. W-3 and Ex. W-4, were written even on 15th January, 1971, and therein the worker set forth the name pleas that are repeated by him in his Claim Statement, with this one significant omission, however, that in Ex. W-3 and Ex. W-4 there is no writing, that on 8th January, 1971, this worker had received salary.

(12) It is seen that W.W. 2 Madusamy could not report in time at 6.00 A.M. for duty on 3rd January, 1971, as on the way, to the duty spot at the quarry, he had seen W.W. 1 lying on the road with injury on the sculp and the neck, and then W.W. 1 was unconscious. W.W. 1 had then informed worker Poilan that Poilan should intimate to the management that both W.W. 1 and W.W. 2 could not attend to work that day. The Attendance Register does show that W.W. 2 was absent from duty on 3rd January, 1971. Merely because W.W. 2 did not remember the name of the day, when W.W. 1 was put by him in the Car, it cannot be said at all that W.W. 2 is an untruthful witness. Moreover, W.W. 3 Poilan corroborated the evidence of W.W. 2. W.W. 2 had informed W.W. 3 to inform the Manager (M.W. 2) that both W.W. 1 and W.W. 2 could not come to work that day, and WW. 3 added that he did inform the Manager, as to what had happened on 3rd January, 1971 at 5.00 A.M. at the road and how W.W. 1 and W.W. 2 could not attend to work that day. I agree that the evidence of W.W. 2 about salary payment on 8th January, 1971 to W.W. 1 is untrue, but on that account, the rest of his evidence is not to be straight away rejected, as false. W. W. 4 Vellachamy deposed that he went and be visited W.W.1 at Palayamcottah hospital on 4th January, 1971. Again he saw W.W. 1 on 9th January, 1971 at the work spot at the quarry, and actually then W.W. 1 was speaking to the Manager (M.W. 2). W.W. 1, then told this witness that he had asked for leave of absence from his Manager, as he had been discharged from hospital only on 7th January, 1971. It is urged by the learned counsel for the management that W.W. 1 had no work at all at the quarry at 4.00 or 4.30 P.M. on 9th January, 1971, and so his evidence that he saw W.W. 1 on 9th January, 1971 at the quarry at 4.00 or 4.30 P.M. is untrue.

(13) On 11th January, 1971, according to M.W. 2, W.W. 1 had to work on the shift between 6.00 A.M. to 3.00 P.M. and so only after 3.00 P.M. he, the Manager, took up the issue that W.W. 1 was absent from work for more than 8 days. According to M.W. 2, the period of 8 days referred to in the standing orders got over on 10th January, 1971, and that is how the letter in Ex. W-2 was dated and signed even on 11th January, 1971, though actually Ex. W-2 letter was despatched only on 12th January, 1971, and the worker W.W. 1 had received that letter only on 15th January, 1971 (Ex. M-26 and Ex. M-27).

(14) About oral request for leave made by other workers, M.W. 2 deposed that oral request for leave was invariably recorded in the Attendance Register and in no other register, by noting the letter 'L' in the attendance register itself. In the Attendance Register, the practice was to write the letter 'L', when oral request for leave was made by any one, on behalf of any other, provided that leave period was limited for just one day or two days.

(15) Now W.W. 2 was absent without leave on 3rd January, 1971, but no action was taken against him according to M.W. 2, who stated further as follows:— "I do not remember what W.W. 2 told me for his reason for his absence on 3rd January, 1971, but he did tell me on 4th January 1971 why he was absent on 3rd January, 1971." In my view, the evidence of W.W. 3 is the truth, that he had reported to the Manager who

is M.W. 2, that W.W. 1 had been removed unconscious with injuries to the hospital and that W.W. 1 as well as W.W. 2, were to be given leave on that account for 3rd January, 1971.

(16) M.W. 2 stated, contrary to the writing in Ex. W-2 notice, that previous conduct of W.W. 1 was considered, and then only, the notice in Ex. W-1 was issued to W.W. 1. It looks as though the Manager was waiting all along for an opportunity, because of previous conduct of this worker, to terminate W.W. 1's services, for, M.W. 2 made the following admissions: "Except for W.W. 1, no other worker ever sent letters by registered post for leave. I admit that the quarry workers do very hard work and they some times take leave even without applying for leave in advance." such absence would be for one day and not for a number of days. So the absence of W.W. 1 on 3rd January, 1971 by itself without applying for leave was nothing out of the way, provided on 4th January, 1971, he had asked for leave for 3rd January, 1971. W.W. 1 used to send by registered post letters for leave in the past."

(17) I may state here that the Management got marked, Ex. M-4 to Ex. M-7 pertaining to 1964, and Ex. M-8 to Ex. M-11 pertaining to 1968, and Ex. M-12 to Ex. M-16 pertaining to 1969, in evidence. The argument was advanced, that even in the past, this worker had been warned in Ex. M-7 letter on 8th August, 1964 about his absence without leave. The unauthorised absence in 1968 was ordered to be explained under Ex. M-10 memo. Under Ex. M-14 another warning was issued by the Management on 9th May, 1969. On 2nd June, 1969, the worker was allowed to resume duty (Ex. M-15). It is, therefore seen, that the Management considered that W.W. 1 was one who was absenting himself, time after time, without leave, and the worker, who is W.W. 1, was always protecting himself, in recent times, by sending leave letters by registered post. The admission made by M.W. 2 about previous conduct of this worker was considered appears to be the same thing as saying that such conduct was the reason as to why Ex. W-2 was issued even on 11th January, 1971 on the assumption and stand taken by M.W. 2, that 8 days period specified in the standing orders got over, even on 10th January, 1971.

(18) The admitted case is that this worker was granted casual leave for 2nd January, 1971. The standing orders read that the worker, if he did not return for work within 8 days after the expiry of his leave, he lost his lien on the appointment. Now 8 days period got over on 10th January, 1971, provided the weekly rest day is also included within the ambit of 8 days mentioned in the standing orders. Admittedly, Ex. M-3 attendance register reads that 8th January, 1971 was a rest day for this worker. The letter 'R' was written against this worker in pencil on 8th January, 1971 in Ex. M-3 register, and so on 8th January, 1971, it is argued that this worker could not have reported for duty, but then, according to M.W. 2, the rest day will not be rest day, unless the worker had worked in full in the preceding week, and as W.W. 1 had not worked from 2nd January, 1971, he was not entitled to rest day for 8th January, 1971, and that is how the memo in Ex. W-2 was issued, even on 11th January, 1971, on the expiry of 8 days, inclusive of so-called rest day, namely 8th January, 1971.

(19) The argument is advanced that W.W. 4 is an untruthful witness, and that Ex. M-19 should show that on 9th January, 1971, W.W. 4 worked at a different hour, from the hours specified by him in his evidence. I agree that Ex. M-19 reads that W.W. 4 entered on duty at 6.00 A.M. and he left off working at 15 hours that is at 3.00 P.M. W.W. 4 however deposed on that day, on 9th January, 1971, he worked from 2.00 P.M. to 11.00 P.M. and that is how at 4.00 or 4.30 P.M. that day he could see W.W. 1 talking to M.W. 2. Now Ex. M-20 proves that hours of work were changed only from 16th February, 1971 and the first shift, prior to 16th

February, 1971 began at 6.00 A.M. and the II shift in January, 1971 had commenced at 5.30 P.M. Now the evidence of W.W. 4 is that on 9th January, 1971 he was allotted the work of pushing stones, and further it cannot be that W.W. 4 can remember with accuracy the exact time in January, 1971 when this witness witnessed the talk between W.W. 1 and M.W. 2. As already stated, in my view, M.W. 2 was definitely not satisfied with the way that this worker reported for work and the worker, always well knew, that M.W. 2 was after him and that is how only W.W. 1 and no others ever sent leave application by Registered Post. M.W. 2 deposed that on 11th January 1971 the administrative section of the office wrote a memo to read that this worker (W.W. 1) was absent, by that time, without leave for 8 days. M.W. 2 stated as though he would file later the above memo, but such a memo was never filed. It is urged that the memo like Ex. W-2 could not have been issued under rules by the Quarry Manager, on his own. It is the Administrative section that had to instruct to issue Ex. W-2 letter. Ex. W-2 reads that it was brought to the notice of M.W. 2, that M.W. 1 was absent without leave from 3rd January, 1971 and Ex. W-2 was signed by M.W. 2. The note or memo, on the basis of which Ex. W-2 was prepared is an important note that was failed to be tendered in evidence.

(20) In the Counter Statement by the Management there is writing that reporting by W.W. 1 at Sankar Nagar on 8th January, 1971 was an irrelevant fact. The evidence of W.W. 1 is that every employee of this company was given a card with a number to enable him to get treated at Shankarnagar Hospital and the above evidence by W.W. 1 is not contradicted. Surely, if the worker had reported at Sankar Nagar Hospital on 8th January, 1971, it could never be that he would have failed to go to the work spot at least on 9th January, 1971. The evidence of W.W. 1 is not contradicted that W.W. 1 had earned leave to his benefit which leave had accrued to him in 1971, for working in the year 1970. As W.W. 1 had earned leave to his credit, he had no grounds whatever not to apply for leave on 9th January, 1971. As already stated, the background is this that the worker was on the defence in the matter of leave taking, that is, he sent leave applications by Registered Post and such a worker, why should he not apply for leave on 9th January, 1971, if he really wanted to be absent even after 9th January, 1971. Now M.W. 2 must have resented the fact that no leave application was sent for leave of absence from 4th January, 1971 to 8th January, 1971, and for such absence, it does appear he intended to take action against W.W. 1. The evidence of W.W. 1 is the truth that M.W. 2 said that a charge memo would be issued to explain such absence.

(21) It looks as though there is lacuna in this sphere of work, that workers can be denied work on the ground of the charge memos are to be first unanswered before work could be given, and, at the same time the workers have no record to write up, that they had reported for duty on a particular way, after expiry of leave granted to him or on expiry of unauthorized days of absence, as is correctly argued by the union, what could the worker do on 8th January, 1971. On 8th January, 1971, he had gone for treatment at Sankar Nagar Hospital. On 9th January, 1971 he could not report to M.W. 2. He could never anticipate that M.W. 2 would allow thereafter just two days to pass to attract the penalty contained in the Standing Orders. The hurry or haste in which Ex. W-2 was prepared after rubbing out the letter 'R' for 8th January, 1971 in Ex. M-3 register, is indicative, that M.W. 2 was all out some more or other, to terminate the services of W.W. 1.

(22) The way that M.W. 1 prevaricated in evidence is also to be taken note of. In one breath he stated that only after 3.00 P.M. on 11th January, 1971 he took up the issue that W.W. 1 was absent from work for more than 8 days. Then he stated, in another breath, that he calculated that period of 8 days got over even

on 10th January, 1971 and he did not exclude the rest day in the week, in computing the period of 8 days of absence. In one breath, he deposed that he did not remember meeting or not meeting any other worker except for W.W. 1, during the days in January, 1971 and yet he added that, if any worker had applied for leave for W.W. 1 he would have remembered such a fact. I am satisfied that the evidence of W.W. 1 is the truth that on 9th January 1971, W.W. 1 did report for duty to M.W. 2. I also find that the truth in that W.W. 3 did inform M.W. 2 on 4th January, 1971, that both W.W. 1 and W.W. 2 wanted leave for 3rd January, 1971 and that W.W. 1 was injured on 3rd January, 1971 and he was to be given leave on that score. In my view the evidence of M.W. 2 is not at all acceptable on the above issues. I find that W.W. 1 was not absent without leave or prior permission for 8 days or more than 8 days and his explanation tendered to M.W. 2 about injuries and incapacity to report for duty from 3rd to 7th of January, is the truth and that being so it is wrong that Ex. W-2 was issued to him or that the Standing Orders mentioned in Ex. W-2 were invoked at all against him. The award is passed that W.W. 1 was wrongly removed from rolls from 3rd January, 1971 and that he was really ill from 3rd to 8th of January. It is nobody's case that the Management has lost confidence in W.W. 1. The plea about want of confidence and on that account only compensation is payable can never be raised in this dispute. I pass this award that W.W. 1 will be treated as the person on the rolls of the Quarry on all days, even from 3rd January, 1971, and he is entitled to his full salary for the days, that is, for 1st January, 1971, 2nd January, 1971 and thereafter from 9th January 1971 right till he is given back his job. The award is passed that he is entitled to and will be paid the above salary and also to reinstatement in his job in the Quarry. It is open to the Management to treat the period from 3rd January, 1971 till 9th January, 1971 (6 days) as period of leave, but then I am not passing any award about pay in respect of that period of absence from 3rd January 1971 to 9th January 1971.

Dated, the 23rd day of December, 1971.

(Sd) K. SEETHARAMA RAO,
Industrial Tribunal

Witnesses Examined:

For workmen:

W.W. 1—Thiru Perumal Sudalaimuthu.
W.W. 2—Thiru Madasamy.
W.W. 3—Thiru Perumal Paillun.
W.W. 4—Thiru Vellachamy.

For Management :

M.W.1—Thiru R. Sankara Narayana Iyer, Pay Master.
M.W.2—Thiru R. Krishnamurthi, Quarry Manager.

Documents Marked

For workmen :

W—1 . Hospital slip issued to W.W.1.
W—2/11-1-71 . Order of removal of W.W. 1.
W—2(a) . Registered cover addressed to W.W.1 (opened cover) by the Management.
W—3/15-1-71 . Explanation of W.W. 1 to Ex. W-2.
W—4/15-1-71 . Application filed before the Regional Labour Commissioner (Central), Madras by W.W. 1.
W—5/18-5-71 . Conciliation failure report.
W—6/ . Certificate issued by the Tirunelveli Medical College Hospital to W.W. 1 showing his admission into Hospital and discharge from the Hospital.

W—7/14-12-71 .	Receipt given by the Hospital for having received paise 15 from W.W. 1 for issuing of Ex. W-6.
W—8/3-2-67 .	Warning letter issued to W.W. 1 by the Management.
<i>For Management :</i>	
M—1 .	[Signature of W.W. 1 in the Register of wages for having received the salary for December, 1970 (relevant entry marked) (Register).
M—1 (a) .	Entry in the Register of wages made by M.W. 1 showing the wages of W.W. 1.
M—1(b) .	The signature of the Manager (M.W. 2) below Ex. M-1(a) in the wages Register.
M—2 .	Relevant entries pages 97 to 99 in the Cash book (Register).
M—2(a) .	Entry at page 101 in the Cash book.
M—3 .	Attendance Register for the month from December, 1970 to March, 1971.
M—4/7-3-64 .	Leave application by W.W. 1 to the Management. (Inland postal cover).
M—5/11-3-64 .	Warning letter issued to W.W.1 by the Management.
M—6/6-8-64 .	Leave application of W.W. 1 to the Management (Post Card).
M—7/8-8-64 .	Warning letter by the Management to W.W.1.
M—8/5-4-68 .	Letter by W.W.1 to the Management requesting to safe guard his interest till he return.
M—9/6-2-68 .	Leave application of W.W.1 to the Management (Postal Inland cover).
M—10/27-5-68 .	Memo of the Management to W.W. 1 calling for written explanation for his unauthorised absence without prior leave.
M—11/23-5-68 .	Leave application of W.W. 1 to the Management (Postal Inland cover).
M—12/24-4-69 .	Memo by the Management to W.W. 1 asking to produce a certificate from Village Munciff stating that W.W. 1 is suffering from Small pox.
M—13/17-4-69 .	Leave application of W.W.1 to the Management (Postal Inland cover).
M—14/9-5-69 .	Warning Memo by Management to W.W. 1.
M—15/2-6-69 .	Memo by the Management to W.W.1 allowing him to resume duty.
M—16/29-5-69 .	Leave application by W.W.1 to the Management (Postal Inland cover).
M—17/11-7-70 .	Office order issued to W.W.1 by the Management suspending him on 12-7-70 with charge sheets dated 27-5-70, 30-5-70 and 1-6-70.
M—18/ .	Refusal—Returned Money Order coupon for Rs. 117·49 addressed to W.W. 1.
M—19/ .	Entry relating to one Vellusamy Jukshuman (W.W.4) for the date 9-1-71 at page 5 in the Register of persons employed in open cast working during the week (Register).
M—20/16-1-71 .	Notice u/s. 9-A of the I.D. Act, 1947 belonging statement in Form 'A'
M—21/ .	Standing orders of the company.
M—22/8-1-71 .	Voucher for Rs. 442·12.

M—23/ . . .	List showing particulars of unpaid amount.
M—24/12-1-71	Voucher for unpaid wages for Rs. 407 87.
M—25/ . . .	List showing particulars of unpaid amount.
M—26/12-1-71	Postal receipt No. 1505 for having sent to letter in Ex-W-2.
M—27/13-1-71—	Postal acknowledgement signed by W. W. I for having received Ex-W-2.
	(Sd.) K. SHARANAM R/o. Industrial Tribunal.

NOTE : The parties are directed to take return of their documents within six months from the date of the award.

[No. L/29012(16)/71-LR-IV]

New Delhi the 22nd January, 1972

S.O. 386.—In pursuance of section 17 of the Industrial disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri K. Saran, Regional Labour Commissioner (Central), K. Saran, Shri Raj Narain, Member of Parliament, 93, Asansol, Shri Raj Narain, Member of Parliament, 93, South Avenue, New Delhi and Shri J. Singh, Technical Director, Messrs Shethia Mining and Manufacturing Corporation Limited, Arbitrators, in the industrial dispute between the management of New Satgram Colliery, Post Office Devchandnagar, District Burdwan and their workmen represented by the Colliery Mazdoor Congress (H.M.P.) Asansol, which was received by the Central Government on the 17th January, 1971.

BEFORE SRI K. SHARAN, REGIONAL LABOUR COMMISSIONER (CENTRAL), SRI RAJ NARAIN, M.P. AND SRI J. SINGH, TECHNICAL DIRECTOR, M/S. SHETHIA MINING & MANUFACTURING CORPORATION LTD., ARBITRATORS

PRESENT:

1. Sri K. Sharan, Regional Labour Commissioner (Central).
2. Sri Raj Narain, M.P. 93, South Avenue, New Delhi.
3. Sri J. Singh, Technical Director, M/s. Shethia Mining & Manufacturing Corporation Ltd.

PARTIES:

Employers in relation to New Satgram Colliery, P.O. Devchandnagar, Dist. Burdwan.

Vrs.

Their workmen.

APPEARANCES:

For employers:

1. Sri S. M. Singh, Chief Personnel Officer, M/s. Shethia Mining & Manufacturing Corporation Limited, New Satgram Colliery, P.O. Devchandnagar, Dist. Burdwan.
2. Sri K. P. Mukherjee, Counsel,

For workmen:

1. Sri D. D. Misra, Vice President, Colliery Mazdoor Congress (HMP) Goral Mansion, P.O. Asansol, Dist. Burdwan.
2. Sri Vinoy Kumar, General Secretary, Colliery Mazdoor Congress (HMP) Goral Mansion, P.O. Asansol, Dist. Burdwan.
3. Sri J. D. Mukherjee, Advocate, Calcutta.

INDUSTRY: Coal Mining.

DISTRICT: Burdwan (West Bengal).

No. E-1/8(1)/71. Calcutta, the 8th January, 1972.

AWARD

The Central Government having received the arbitration agreements dated 25th November, 1970 and 4th January, 1971, in pursuance of the provisions of sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947) between the management of New Satgram Colliery, P.O. Devchandnagar, Dist. Burdwan (hereinafter referred to as the management) and their workmen represented by Colliery Mazdoor Congress (H.M.P.), Asansol (hereinafter referred to as the union) referring the industrial disputes between them, the specific matters in dispute being detailed below to our joint arbitration, and the Central Government being of the opinion that the industrial disputes referred to above existed between the management and the Union, ordered publications of the said arbitration agreements in the Gazette of India Part-II sub-section (ii) of Section 3 under its order No. 8/163/70-LR-II, dated 20th February, 1971 read with corrigendum of even number dated 6th April, 1971 and No. 8/227/70-LR-II, dated 4th February, 1971 and they were accordingly published in the Gazette of India Part-II sub-section (ii) of Section 3 dated 27th February, 1971 and 13th February, 1971 respectively:

"Specific matters in dispute:

- (i) Whether the management of New Satgram Colliery P.O. Devchandnagar, Dist. Burdwan having regard to their financial capacity is justified in not paying D.A. at the rate of Rs. 1.62 per head per day to their workmen with effect from 1st April, 1970? If not, what should be the quantum of D.A. in this colliery and from what date?
- (ii) Whether the management aforesaid having regard to their financial capacity is justified in not granting third annual increment due to the time rated workmen from 15th August, 1970 as per recommendations of the Wage Board for Coal Mining Industry? If not, to what relief the workmen are entitled and from what date?"

"Specific matters in dispute:

Whether the management of New Satgram Colliery of M/s. Shethia Mining & Manufacturing Corporation Limited, P.O. Devchandnagar, Dist. Burdwan having regard to their financial capacity is justified in not paying D.A. at the rate of Rs. 1.62 per head per day to their workmen with effect from 1st October, 1970? If not, what should be the quantum of D.A. in this colliery and from what date?"

2. After having received the written statements on behalf of the management and the Union named above in the matters of both the arbitration agreements referred to above on 19th May, 1971, the representatives of both parties were requested to attend hearing in the office of the Regional Labour Commissioner (Central), Calcutta on 20th August, 1971. Accordingly, on that date the representatives of both parties were present. The representatives of the management filed eight documents out of which, with the consent of representative of workmen four documents were marked as Exhibits M-1 to M-4 on behalf of the management. Regarding remaining documents the Union representatives wanted time to examine them for proper verification and also requested that the management should produce original audited balance sheets and profit and loss accounts. Accordingly, we requested the management representative to produce the same on the next date of hearing. The representatives of the management, however, showed inability to produce the balance

sheet and profit and loss accounts for the year ending 31st March, 1971 as the same was not ready but they assured to produce other evidences in that regard. At the request of representatives of both the parties further hearing was adjourned to be held in the office of the Regional Labour Commissioner (Central), Calcutta on 6th October, 1971. Both the parties had entered into an agreement agreeing therein that we could give our arbitration awards in the matter of both the arbitration agreements referred to above latest by 31st October, 1971. Subsequently, both parties submitted joint application showing their inability to attend hearing on 6th, 7th and 8th October, 1971 at Calcutta and requesting for adjournment of hearing till 2nd week of December 1971. They also submitted joint agreement dated 25th September, 1971 agreeing therein that we give our arbitration awards latest by 31st December, 1971. The hearing was fixed to be held in the office of the Regional Labour Commissioner (Central), Calcutta on the 18th and 19th December, 1971 but on account of the joint request for adjournment by the parties the hearing could not take place on those dates. The representatives of both parties entered into an agreement on 16th December, 1971 agreeing therein that we could give our awards latest by 31st January, 1972.

3. Both the industrial disputes in question came up for final hearing in the office of the Regional Labour Commissioner (Central), Calcutta to-day i.e. 8th January, 1972. Sri S. M. Singh, Chief Personnel Officer of M/S. Shethia Mining & Manufacturing Corporation Ltd and Sri K. P. Mukherjee, Counsel were present on behalf of the management. Sarvashri D. D. Misra and Vinoy Kumar, Vice President and General Secretary respectively of the Union and Sri J. D. Mukherjee, Advocate, Calcutta were present on behalf of the workmen. The representatives of the management submitted profit and loss accounts for the financial years ending 31st March, 1970 and 31st March, 1971 which with the consent of representatives of workmen were marked Exhibit M. 5 and M. 6 respectively on behalf of the management. Subsequently, the representatives of the management and workmen named above stated that both the industrial disputes under arbitration have been amicably settled between them and they submitted the joint memorandum of compromise duly signed by them on 8th January, 1972. Both parties prayed that we may accept the memorandum of compromise as fair and reasonable and give common award in both the disputes in terms of settlement incorporated in the compromise petition. We heard the representatives of both parties at great length on the fairness and reasonableness of the terms of settlement contained in the joint memorandum of compromise.

4. The terms of the settlement contained in the compromise petition dated 8th January 1972 submitted by the parties are considered to be fair and reasonable. Accordingly, we hereby give common arbitration award in the matters of both the arbitration agreements referred to above in terms of the terms of settlement contained in the memorandum of compromise dated 8th January, 1972 and we direct that the memorandum of compromise dated 8th January, 1972, a copy which is annexed be treated as a part of this arbitration award.

(Sd.) K. SHARAN, (Sd.) RAJ NARAIN (Sd.) J. SINGH.

Regional Labour Commissioner (Central)	M.P.	Technical Director
	M/s. Shethia Mining & Manufacturing Corpn. Ltd	

Dated, Calcutta the 8th January, 1972.

BEFORE SRI RAJNARAYAN, M.P., SRI J. SINGH, TECHNICAL DIRECTOR, M/s. SHETHIA MINING & MANUFACTURING CORPORATION LTD., SRI K. SHARAN, REGIONAL LABOUR COMMISSIONER (CENTRAL), ARBITRATORS.

In the matter of arbitration agreements dated 25th November, 1970 and 4th January 1971 between the employers in relation to New Satgram Colliery, P.O. Devchandnagar, Dist. Burdwan and their workmen represented by Colliery Mazdoor Congress (HMP), Asansol regarding payment of dearness allowance at the rate of Rs. 1.33 with effect from 1st April, 1970 and at the rate of Rs. 1.02 with effect from 1st October, 1970 and grant of third annual increment with effect from 15th August, 1970.

NAME OF THE PARTIES

Representing employers in relation of New Satgram Colliery, P.O. Devchandnagar Dist. Burdwan.—

1. Sri S.M. Singh, Chief personnel Officer, New Satgram Colliery, P.O. Devchandnagar, Dist. Burdwan.

2. Sri K.P. Mukherjee, Counsel

Representing workmen.—1. Sri D.D. Misra, Vice President, Colliery Mazdoor Congress (HMP) Goral Mansion, P.O. Asansol, Dist. Burdwan.

2. Sri Vinoy Kumar, General Secretary, Colliery Mazdoor Congress (HMP) Goral Mansion, P.O. Asansol, Dist. Burdwan.

3. Sri J.D. Mukherjee, Advocate, Calcutta

The representatives of both parties named above most respectfully submit as under:—

1. That the instant industrial disputes between them have been discussed between them on numerous occasions in the past and finally on 8th January 1972 at Calcutta. During the course of discussions it was revealed on the basis of balance sheets for the financial years 1969-70 and 1970-71 and various other relevant documents that financial position of New Satgram Colliery, P.O. Devchandnagar, Dist. Burdwan was extremely bad. Keeping this in view the instant industrial disputes with regard to the payment of dearness allowance and third annual increment to workmen employed in the colliery named above have been amicably settled between them on the following terms.—

Terms of Settlement

(i) It is agreed between the parties that the workmen shall be entitled to dearness allowance at the rate of Rs. 1.62 per head per day with retrospective effect only from 1st January, 1972.

(ii) The third annual increment shall be payable in accordance with the recommendations of the Central Wage Board for Coal Mining Industry with retrospective effect from 1st January 1972.

2. That the arbitrators be pleased to accept the terms of this settlement as reasonable and fair and to give their arbitration award in terms of terms of settlement contained in this memorandum of compromise.

Representing employers

1. S.M. Singh
2. K. P. Mukherjee

Representing workmen

1. D.D. Misra
2. V. Kumar
3. J. D. Mukherjee

[No. 8/227/70-LRIL]
BALWANT SINGH, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 9th December 1971

S.O. 387.—In exercise of the powers conferred on the Chief Settlement Commissioner by Section 34(2) of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, he hereby delegates to Shri B. P. Sood, Rehabilitation Commissioner, Government of Rajasthan exercising the powers of Settlement Commissioner, his powers under Sections 23, 24, & 28 of the said Act for the purpose of passing necessary orders under these Sections in respect of acquired evacuee properties, agricultural lands, shops and vacant sites forming part of "Compensation Pool" in the State of Rajasthan transferred to the State Government of Rajasthan under "Package Deal" or under administrative and financial arrangements.

[No. 2(16)/Spl.Cell/CSC/70]

(पुनर्वास विभाग)

मुख्य बन्दोबस्तु आयोजन कार्यालय

नई दिल्ली, 9 दिसम्बर 1971

एस.ओ. 387.—विस्थापित अवक्षित (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 की धारा 34(2) की शक्तियों का प्रयोग करते हुए, जो मुख्य बन्दोबस्तु आयोजन को दी गई, उक्त प्रयोग करते हुए राजस्थान राज्य के पुनर्वास आयोजन विभाग भूदि को उक्त उपरोक्त अधिनियम की धारा 23, 24 तथा 28 के अन्तर्गत बन्दोबस्तु आयोजन की शक्तियाँ सौंपते हैं ताकि वे उन धाराओं के अन्तर्गत अंजित निष्कालन सम्पत्तियों, विधि विवरण भविष्यों, दुकानों तथा रिक्त स्थानों जो कि गांधीन राज्य में 'मुमाविजा भड़ा' का भाग हैं तथा 'पैकज डोर' के अन्तर्गत या प्रगतीर्णी तथा विश्व प्रबन्ध के अधीन राजस्थान राज्य को स्थानान्तर कर दी गई हैं उनके बारे में आने रहे हैं। दें गए।

[सं. 2(16)/पंचायत भूमि/मी० ८३० मी०/7.0]

New Delhi, the 17th December 1971

S.O. 388. In exercise of the powers conferred on the Central Government under Section 55(1) of the Administration of Evacuee Property Act, 1950, the Central Government hereby directs that any power exercisable by it under Sections 5, 6, 15(3), 51(1), 54 of the said Act shall be exercisable also by the State Government of Maharashtra in respect of the unacquired rural evacuee agricultural lands, urban lands, rural and urban evacuee properties, shops, sites, vacant plots within that State.

[No. 1(42)/Spl.Cell/CSC/71.]

W. G. PATHAK,

Chief Settlement Commissioner
and Jt. Secy to the Govt. of India

नई दिल्ली, 17 दिसम्बर, 1971

एस.ओ. 388.—निष्कालन सम्पत्ति प्रशासन अधिनियम, 1950 की धारा 55(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा निर्देश देती है कि इस अधिनियम की धारा 5, 6, 15(3), 51(1) तथा 54 के अन्तर्गत प्रयोग की जा सकने वाली शक्ति महाराष्ट्र सरकार द्वारा भी राज्य में अनंजित ग्रामीण निष्कालन क्षुधि भूमि, शहरी भूमि, ग्रामीण तथा

शहरी निष्कालन सम्पत्तियों, दुकानों, स्थलों तथा खाली घारों के मामले में प्रयोग की जा सकेगी।

[संख्या 1(42) विशेष सैल /सी०एस०सी०/71]

वा० ग० पाठक,

मुख्य बन्दोबस्तु आयोजन तथा
मंत्रालय सचिव, भारत सरकार

MINISTRY OF PETROLEUM AND CHEMICALS

New Delhi, the 22nd January 1972

S.O. 389.—In pursuance of clause (a) of Section 2 of the Petroleum Pipelines (Acquisition of right of User in land) Act 1962 (50 of 1962) and in partial modification of the Notification of the Government of India in the former Ministry of Mines & Fuel S.O. No. 1896 dated 29-6-63 the Central Government hereby authorises Shri S.N. Ganguli to perform the functions of the Competent Authority with effect from 1st January, 1972 under the said Act vice Shri N. B. Roy as in the schedule given below:—

SCHEDULE

Name of the person	Address	Territorial Jurisdiction
Shri S.N. Ganguli, Liaison Officer.	C/o Indian Oil Corporation Ltd., (Refineries & Pipelines Divn.) 9, Syed Amr Ali Avenue, Calcutta-17	West Bengal

[No. 11/5/71-Lab. & Legis.]

B. R. PRABHAKAR, Under Secy.

पैट्रोलियम और रसायन मंत्रालय

नई दिल्ली, 22 जनवरी, 1972

का० आ० सं० 389—पैट्रोलियम पाइपलाइन (भूमि के उपरोग के अधिकार का अज्ञन) अधिनियम 1962 (1962 का 50) की धारा 2 के अनुसरण में ओर भारत सरकार के भूत्युवैयान तथा ईधन मंत्रालय की अधिसूचना का० आ० संख्या 1896 दिनांक 29-6-1963 के शास्त्रीय संशोधन में बेन्फ्रीय सरकार एवं दुर्वारा श्री एम०एन० गोगुली को उक्त अधिनियम के अन्तर्गत 1 जनवरी, 1972 से श्री एन० बो० राय के स्थान पर सक्षम प्राधिकारी के कार्य करने के लिए अंजित करनी हैं जैसा कि निम्न लिखित अनुसूची में दिया गया है:—

अनुसूची

व्यक्ति का नाम	पता	सेविका अधिकार क्षेत्र
श्री एम० एन० गोगुली समाज प्रधिकारी	द्वारा आई० आ० सी० लिमि- परिषद बंगाल टेट (रिफाइनरीज एण्ड पाइपलाइन्ज प्रभाग)	
	9, सैम्यद श्रमीर घासी एवन्यू, कलकत्ता-17	

[संख्या 11(5)/71-लेवर एण्ड सेजिस]

बी० आर० प्रभाकर,
अवर सचिव।

MINISTRY OF COMMUNICATIONS
(P. and T. Board)

New Delhi, the 17th January 1972

S.O. 390.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 16th February, 1972 as the date on which the Measured Rate System will be introduced in PUDUKKOTTAI Telephone Exchange, Tamil Nadu Circle.

[No. 5-3/72-PHB(4).]

PRATAP CHANDRA,
 Director of Phones(E).

संचार विभाग
(जाक-तार बोर्ड)

नई दिल्ली, 17 जनवरी 1972

स्थायी आदेश संख्या 390.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के वर्ण 111 के पैरा (क) के अनुसार जाक-तार महानिदेशक ने पुद्धकोटई टेलीफोन केन्द्र में दिनांक 16-2-72 से प्रमाणित दर प्रणाली लागू करने का निष्पत्ति किया है।

[सं० 5-3/72-पी०एच०बी० (4)]

पी० चन्द्र,
 निदेशक फोन्स (ई)।

